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# The securitization of refugees in Hong Kong: government, members of the legislative council and Chinese newspapers (2005 to June 2019)

Refugees in  
Hong Kong

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## Abstract

**Purpose** – This paper aims to discover how the Government of the Hong Kong Special Administrative Region (HKSARG) securitizes internal security, cultural identity and welfare system through refugee policy instruments. It also aims to explore the roles of members of the Legislative Council (Legco) and Chinese newspapers in the securitization process.

**Design/methodology/approach** – The author analyzed 6 landmark verdicts, 342 related documents of the Legco, 2,386 news coverages and 408 editorials/ column articles from 6 selected Chinese newspapers from 2005 to mid-2019. While documents of the Legco were collected from the Legco archives, news reports, editorials and column articles were gathered on Wisenews with the keywords, namely, refugees, asylum seekers, torture claims and non-refoulement claims.

**Findings** – The author argues that the advanced comprehensive security approach helps to comprehend the securitization process in Hong Kong. The HKSARG, Legco members of the pro-government camp and pro-government Chinese newspapers perform as securitizing actors who regard refugees as an existential threat to the referent objects, i.e. internal security, cultural identity and welfare system.

**Research limitations/implications** – There are two significant limitations, namely, the coverage of newspapers and the absence of poll data. This paper merely selected six Chinese newspapers, which do not cover English newspapers and some other Chinese newspapers in Hong Kong. It may neglect some important data. Additionally, owing to the absence of longitudinal poll data, the author chose not to examine the related materials.

**Originality/value** – This paper intends to be the first study to provide a longitudinal examination of the transformations of current refugee policies in Hong Kong.

**Keywords** Hong Kong, Forced migration, Agenda-setting theory, Non-refoulement claims, Refugee policies, Securitization theory

**Paper type** Research paper

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## Introduction

Hong Kong has been criticized for lacking robust refugee policies [1], as it is not a signature party of the Convention relating to the Status of Refugees (the 1951 Refugee Convention) and the Protocol relating to the Status of Refugees (the 1967 Protocol). Since 1992, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) has been extended to Hong Kong. Thus, the Hong Kong Special Administrative Region (HKSARG) relied on the United Nations High Commissioner for Refugees (UNHCR) to handle torture claims [2] under the CAT from 1992 to 2004 (Lau, 2017; Law Society of Hong Kong and Hong Kong Bar Association, 2009).

Under different phases of development, the HKSARG has implemented the Unified Screening Mechanism (USM) [3] since March 2014 to handle non-refoulement claims [4]. After the introduction of the USM, the number of pending non-refoulement claims reached a new high with over 10,000 cases in 2015 (Immigration Department, 2019). Consequently, the HKSARG has introduced more policy tools to tighten its border and expedite the screening procedures. Notwithstanding the fact that pending claims were handled swiftly with only 279 pending claims as of June 2019 (Immigration Department, 2019), the number of judicial review (JR) applications, related to non-refoulement claims, increased from 103 in 2015 to approximately 3,000 in 2018 (Security Bureau and Immigration Department, 2019). Therefore, even stringent refugee policies can hardly tackle the “problem” of non-refoulement claimants in which the HKSARG holds firm policies to regard claimants as illegal immigrants, system abusers, financial burden and security threat. Chun-Ying LEUNG, the Chief Executive of Hong Kong from 2012 to 2017, even appreciated the efforts of Oriental Daily to report the wickedness of non-refoulement claimants (News.gov.hk, 2016a).

This research study is vital since by now because existing studies fail to review refugee policies in Hong Kong comprehensively. It is observed that most of the existing refugee studies in Hong Kong are concentrated on the legal perspective (Jones, 2009; Lau, 2017; Loper, 2010; Ramsden, 2013; Ramsden and Marsh, 2013, 2014), the lived experiences of refugees (Lau and Gheorghiu, 2018; Mathews *et al.*, 2014; Shum, 2019; Vecchio, 2016), the roles of NGOs and refugee community organizations (Lau, 2019; Vecchio and Beatson, 2014) and the health caring perspective (Wong *et al.*, 2016). Although there is a small body of studies examine the relationship between the formation of refugee policies and media frames (Ng *et al.*, 2019) and the effectiveness of related policies (Ng, 2019), the present study evaluates the securitization process of refugees in terms of a longer time frame. It should allow a comprehensive understanding of the recent refugee flows and issues in Hong Kong. Additionally, despite the fact that Ng *et al.* (2019) examine all the printed news media, including Chinese and English newspapers and magazines, they fail to engage with non-headline coverages, column articles and editorials. Therefore, this study intends to be the first study to provide a longitudinal examination of the transformations of current refugee policies with using the securitization theory.

AQ: 2

AQ: 3

## Literature review: from the speech-act approach to the comprehensive security approach

The speech-act approach, argued by Buzan *et al.* (1998) and Waever *et al.* (1993), lays the foundation for studies of the securitization of migrants. Then, a group of scholars, such as Balzacq *et al.* (2016), Bigo (2001) and Huysmans (2006), argues that the speech-act approach neglects technocratic interpretations of security framing. The security technique approach then indicates that while the idea that language plays a vital role in securitizing migration issues is accepted, more emphases should be placed on the technocratic process (Balzacq *et al.*, 2016;

Bigo, 2001; Huysmans, 2006). As both the speech-act and security technique approaches are inadequate to understand a phenomenon comprehensively, Bourbeau (2011, 2014; 2015, 2017) and McDonald (2008), therefore, suggest a comprehensive security approach, built upon the mentioned approaches, to fill the research gap.

The speech-act approach argues that if an issue is regarded as an existential threat, a government will respond to it with emergency measures and justify actions by security language (Buzan *et al.*, 1998). In terms of the process of securitization, referent objects for security, regarded as things that are existentially threatened and have a legitimate claim to survival, normally refers to the state (Buzan *et al.*, 1998). Securitizing actors, including political leaders, bureaucracies, lawmakers, pressure groups and other relevant actors, make use of linguistic tools and frames to securitize issues by defining a referent object as existentially threatened (Buzan *et al.*, 1998). Rather than defending their survival, these actors normally attempt to defend the security of a state, nation, principle or system (Buzan *et al.*, 1998). There are two aspects of the securitization of migration, namely, the societal and political sectors. Societal insecurity exists when the identity, which indicates the self-conception of communities and individuals regarding themselves as part of a community, and the survival of a community is threatened (Buzan *et al.*, 1998). In terms of the political sector, political security indicates the organizational stability of social orders and state sovereignty (Buzan *et al.*, 1998).

Although language plays a vital role in the securitization process, more emphases should be placed on the modulation of insecurity domains, which crucially relies on the technocratic processes (Balzacq *et al.*, 2016; Bigo, 2001; Huysmans, 2000, 2006). Therefore, in the perspective of the security technique approach, the process of securitization combines the politics of threat formation and corresponding management because both language and policy instruments contribute to the framing of security issues (Balzacq *et al.*, 2016; Huysmans, 2006). This approach also argues that the process of framing refugees as a security threat is more complicated than the societal and political security concepts, argued by Buzan *et al.* (1998) and Waever *et al.* (1993).

Three interactive themes, i.e. internal security, cultural identity and welfare system, are, therefore, suggested (Huysmans, 2006). Independently, these three themes can be understood in the following manner. Asylum seekers and refugees are often defined as a source of domestic instability, crime and violence. They are then regarded as a threat to internal security (Huysmans, 2006). Simultaneously, they are mainly third-world nationals who are culturally and racially different (Huysmans, 2006). They, therefore, are defined as dangers to cultural values and the political identity of a community (Huysmans, 2006). Their outsider identities also imply their illegitimate rights to access social and economic rights (Huysmans, 2006). Regarding the welfare system, asylum seekers and refugees are presented as a threat to the survival of the socio-economic system (Huysmans, 2006).

For instance, one of the interactive explanations involves internal security and cultural identity themes. The securitization of refugees constructs political trust, loyalty and identity via the distribution of fear and intensification of alienation (Huysmans, 2006). By framing and managing outsiders as threats, governments do not only administer trusts by implementing border control measurements but they also distribute fear by framing outsiders as an existential threat and reassuring the dangers of these outsiders (Huysmans, 2006).

Another example is welfare chauvinism in Europe, which includes cultural identity and welfare themes (Huysmans, 2000). Huysmans (2000, p. 768) argues that the development of welfare chauvinism is "a strategy of introducing cultural identity criteria in an area in which belonging is determined on the basis of social policy criteria, such as health, age, disability

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and employment.” Welfare chauvinists stigmatize refugees as benefit seekers who illegitimately benefit from the welfare system that they do not belong. It also indicates that the general public believes that social welfare should provide first and foremost to them, as resources and employment opportunities are shrinking in the background of economic recession (Huysmans, 2000). Therefore, asylum seekers and refugees are regarded as a severe threat to the continuity of the social welfare system (Huysmans, 2000).

After the technocratic turn, Bourbeau (2011, 2014; 2015, 2017) and McDonald (2008) argue a comprehensive security approach, which builds upon both the speech-act and the security technique approaches, in four aspects. The four aspects include a multidirectional process of securitization, a non-elite basis of securitization analysis, a vital role of contextual factors and a path dependence of policymaking (Bourbeau, 2011, 2014; 2017).

First, the process of securitization is not in a unidirectional fashion, as speech acts are not the inescapable and exclusive imitators of the process (Bourbeau, 2011, 2014; 2017). In some cases, speech acts merely seek to legitimize established security measures (Bourbeau, 2014, 2017). Akin to Bourbeau (2014, 2017), McDonald (2008) shares a similar argument in which he argues that the process of securitization is dynamic, constructed over time with a range of incremental processes and representations. Therefore, hardly can the process of securitization be a unidirectional and binary process. Second, instead of analyzing securitization moves with an elite bias, it is vital to examine the power of mass media (Bourbeau, 2011; Caviedes, 2017; Watson, 2009). It is because mass media do not only serve the interests of political elites but they also act as a securitizing actor, which forces issues into the political or policy agenda (Watson, 2009). What is more, mass media play an instrumental role in reproducing and maintaining cultural identity (Watson, 2009). Third, contextual factors, such as critical judicial landmarks, socio-historical contexts of a country and significant historical events, are significant to comprehend the process of securitization (Bourbeau, 2011). However, leading studies of the speech-act (Buzan *et al.*, 1998) and the security technique approaches (Huysmans, 2006) neglect the importance of this factor (Bourbeau, 2011; McDonald, 2008). The primary function of contextual factors is to allow an agent to measure the intensity of securitization and to capture real situations (Bourbeau, 2011). Finally, policymaking is path dependence in which a security measure is heavily influenced by past trajectories and is extremely difficult to change (Bourbeau, 2014, 2017). It indicates that issues of continuity and change are neglected by both the speech-act and the security technique approaches (Bourbeau, 2014, 2017).

### Advancing the comprehensive security approach with the agenda-setting theory

The author adopts the comprehensive security approach, proposed by Bourbeau (2011) and McDonald (2008), with the three interactive themes (Huysmans, 2006). Despite long-term efforts of examining the role of media in the securitization studies, such as Bourbeau (2011), Buzan *et al.* (1998) and Huysmans, (2000), they do not address the role of media in significant details (Caviedes, 2017; Watson, 2009). The agenda-setting theory, then, provides a more robust explanation of agenda-setting effects and framing effects in the securitization process of migration (Dekke and Scholten, 2017; Scheufele and Tewksbury, 2007). Therefore, the author advances the comprehensive security approach with the supplementary of the agenda-setting theory (Dekke and Scholten, 2017; McCombs, 2004; McCombs and Shaw, 1972; Picard, 2014; Scheufele and Tewksbury, 2007) to examine framing effects of Chinese newspapers in Hong Kong.

The agenda-setting theory, which theorizes the agenda-setting process into three different agenda, namely, media agenda, public agenda and policy agenda (McCombs, 2004;

McCombs and Shaw, 1972), is combined into the second supplementary idea of the comprehensive security approach, which is the examination of the power of mass media (Bourbeau, 2011; Caviedes, 2017; Watson, 2009). The role of media is vital because they frame and influence public opinion on politics, as well as the governance of democratic states (McCombs, 2004; McCombs and Shaw, 1972; Picard, 2014). According to the agenda-setting theory, media agenda posits that media elevate topics and information by reporting an issue intensively (McCombs and Shaw, 1972). Then, the media agenda is transferred to the public agenda in which topics are gained salience among the general public (McCombs and Shaw, 1972). While the general public perceives an issue with high significance, it pushes an issue on the higher policy agenda for political actions (McCombs, 2004). Although Picard (2014) argues that there is a strong relationship between media agenda, public agenda and policy agenda, he finds weak relations between the agenda-setting process and policy action. It indicates that hardly can a prioritized policy agenda lead to policy change. However, this paper does not engage with the public agenda because of the absence of longitudinal poll data. Therefore, only the media agenda and policy agenda are examined in this paper.

The above reviews allow the author to advance the comprehensive security approach with the supplementary of the three interactive themes (Huysmans, 2006) and the agenda-setting theory (Dekke and Scholten, 2017; McCombs, 2004; McCombs and Shaw, 1972; Picard, 2014; Scheufele and Tewksbury, 2007). The three interactive themes (Huysmans, 2006) demonstrate the complexity of the process of securitization and explain the interactions of the HKSARG, members of the Legislative Council (Legco) and Chinese newspapers. The original comprehensive security approach fills the research gap of the speech-act and the security technique approaches. It attempts to argue a multi-directional process of securitization, a non-elite basis of securitization analysis, a vital role of contextual factors and a path dependence of policymaking (Bourbeau, 2011, 2014; 2017). It is also noted that the agenda-setting theory is contained in the discussion of the role of mass media in the process of securitization. The author believes that the advanced comprehensive security approach can contribute to a more robust understanding of the securitization of refugees in Hong Kong.

## Objectives

The above reviews have inspired the author to explore the securitization process of refugees in contemporary Hong Kong. The major research questions are:

- RQ1.* How are refugee-related issues comprehended by the HKSARG, members of the Legco and selected Chinese newspapers in Hong Kong?
- RQ2.* Is the securitization theory applicable to understand the frames of refugees and the formations of recent refugee policies in Hong Kong?

## Methodology

Given the nature of the research study, the author uses the method of content analysis to capture the development trajectory of refugee policies. Three different types of documents, namely, landmark verdicts, documents of the Legco and news coverages, are analyzed. Since lacking sufficient data, such as poll results, to analyze the impacts of public audiences, public agenda is not examined.

To capture the development trajectory of refugee policies, the author examines the process of securitization and the dynamic interactions between the HKSARG, members



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of the Legco and Chinese newspapers. In terms of judgments, the verdicts of six vital cases are analyzed, i.e. *Secretary for Security v Sakthevel Prabakar* (Court of Final Appeal, 2004), *FB and Ors v Director of Immigration and Anor* (High Court, 2008), *Iqbal Shahid, Waseem Abbas and Others v Secretary for Justice* (Court of First Instance, 2008), *MA v Director of Immigration* (Court of First Instance, 2010), *Ubamaka Edward Wilson v. Secretary for Security* (Court of Final Appeal, 2012) and *C, KMF, BF v Director of Immigration and Secretary for Security* (Court of Final Appeal, 2013). They marked the critical points in the changes of refugee policies. Apart from landmark judgments, documents of the Legco are another significant source of materials because the Legco functions as a law-making institution in which officers of the HKSARG and members of the Legco discuss details of policies and legislations. It indicates that the attitudes of the HKSARG and councilors can be revealed. Besides, related minutes of meetings, submission by different organizations, replies by the Administration, background briefs and other related documents are examined. During the research period from 1 June to 23 June 2019, the author analyzed 342 related documents from 2006 to mid-2019, downloaded from the Legco Archives, [www.legco.gov.hk/general/english](http://www.legco.gov.hk/general/english). The documents are simultaneously downloaded by referencing the database in particular issues-security: non-refoulement claims, which highlight important information, meetings and motions of the Legco. Among the analyzed documents, there are 78 related meetings at the Legco.

In terms of newspapers, 2,386 news coverages and 408 editorials/column articles of 6 Chinese newspapers, namely, Apple Daily, the Hong Kong Economic Journal (HKEJ), Ming Pao, Oriental Daily, Ta Kung Pao and Wen Wei Pao, with different political perspectives were selected. Regarding the political standpoints of the newspapers, they can be divided into three categories, i.e. pro-democratic, neutral and pro-government. According to this categorization, Apple Daily belongs to the pro-democratic category; HKEJ and Ming Pao tend to be more neutral, in which newspapers have less apparent political judgments (Lee and Chan, 1990; McIntyre, 1995); and the pro-government category includes Oriental Daily, Ta Kung Pao and Wen Wei Pao (Yu, 2014). These news coverages are collected via Wisenews, an online database, with the keywords of refugees (難民), asylum seekers (尋求庇護者), non-refoulement claims (免遣返聲請) and torture claims (酷刑聲請).

Furthermore, news reports are summarized in four frames, namely, a human-interest frame, a threat frame, an economic frame and a managerialist frame (d'Haenens and de Lange, 2001; Horsti, 2003). For the human-interest frame, refugees are described as victims of political threats in their home countries (d'Haenens and de Lange, 2001). Regarding the threat frame, refugees are perceived as a security threat to receiving societies (Horsti, 2003). In terms of the economic frame, refugees are perceived as job stealers and benefit receivers to the host society (d'haenens and de Lange, 2001). Finally, the managerialist frame focuses on optimal resolutions to cope with the consequences of refugees (d'Haenens and de Lange, 2001). Apart from the mentioned frames, the author adds a multiple frame category, in which news reports, editorials and column articles contain two or more frames. All materials are coded manually by examining the use of terms and language. While Table 1 summarizes the related news reports by years and frames, Table 2 outlines relevant editorials and column articles in the same manner.

By examining the mentioned documents, the author can explore how the HKSARG, members of the Legco and Chinese newspapers frame the refugee issues, facilitate a particular discourse and propose related policy instruments. It then indicates the securitization process of refugees in Hong Kong.

T1  
T2

Newspapers (news reports)	Year														Column 15	
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 (Till June)	Subtotal
<i>Apple daily</i>	0	10	2	3	8	1	3	4	19	25	13	44	15	2	5	154
Economic frame	0	0	0	0	0	0	0	0	0	0	0	4	2	0	0	
Humanist frame	0	1	0	0	0	0	0	0	5	6	0	4	0	0	2	
Managerialist frame	0	2	1	2	2	0	1	1	10	14	5	18	7	1	1	
Threat frame	0	6	1	1	6	1	2	3	3	5	8	16	6	1	2	
Multiple frames	0	1	0	0	0	0	0	0	0	1	0	1	0	0	0	
<i>Hong Kong Economic Journal (HKEJ)</i>																
Economic frame	0	0	0	0	3	0	0	0	2	1	1	7	1	0	4	19
Humanist frame	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Managerialist frame	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	
Threat frame	0	0	0	0	2	0	0	0	0	1	1	7	1	0	4	
Multiple frames	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Ming Pao</i>																
Economic frame	3	8	1	11	36	5	6	6	10	10	13	31	9	7	4	160
Humanist frame	0	0	0	0	0	1	0	0	0	0	1	2	0	0	0	
Managerialist frame	1	2	0	1	3	1	0	2	7	1	1	5	2	0	0	
Threat frame	1	5	1	5	19	4	3	1	3	8	4	20	5	3	3	
Multiple frames	0	1	0	1	11	0	2	3	0	1	7	4	2	4	2	
<i>Oriental daily</i>																
Economic frame	2	13	8	7	30	0	0	5	12	24	109	695	331	360	170	1,766
Humanist frame	1	4	1	4	15	0	0	1	2	6	11	103	60	30	16	
Managerialist frame	1	5	4	2	0	0	0	2	3	0	0	0	0	0	0	
Threat frame	0	0	1	0	8	0	0	2	3	4	17	95	53	43	60	
Multiple frames	0	3	0	0	6	0	0	0	1	12	68	407	211	175	58	
<i>Ta Kung Pao</i>																
Economic frame	0	1	2	1	1	0	0	0	3	2	13	90	7	112	36	
Humanist frame	0	7	4	5	12	2	0	4	0	4	29	46	19	4	7	143
Managerialist frame	0	0	2	3	1	0	0	1	0	0	0	1	0	0	0	
Threat frame	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	
Multiple frames	0	2	1	1	8	2	0	2	0	1	19	38	7	2	5	
<i>Wen Wei Pao</i>																
Economic frame	0	4	1	1	3	0	0	1	0	3	8	7	11	2	2	
Humanist frame	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	
Managerialist frame	0	1	0	0	0	0	0	0	0	0	1	0	1	0	0	
Threat frame	0	7	4	1	15	2	3	3	3	5	14	55	12	12	8	144
Multiple frames	0	0	2	1	5	0	0	2	1	0	1	2	1	1	0	
Economic frame	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Humanist frame	0	0	0	0	6	2	3	0	1	5	6	44	5	5	7	
Managerialist frame	0	4	2	0	0	0	0	0	1	0	0	0	0	0	0	
Threat frame	0	3	0	0	3	0	0	1	1	0	7	5	5	4	1	
Multiple frames	0	0	0	0	1	0	0	0	0	0	0	4	1	2	0	
Total																2,386

## Refugees in Hong Kong

**Table 1.**  
News reports by years and frames



**Table 2.**  
Editorials or column  
articles by years and  
frames

Newspapers (editorials/ column articles)	Year 2005	Column 2 2006	Column 3 2007	Column 4 2008	Column 5 2009	Column 6 2010	Column 7 2011	Column 8 2012	Column 9 2013	Column 10 2014	Column 11 2015	Column 12 2016	Column 13 2017	Column 14 2018	Column 15 2019 (Till June)	Column 16 Subtotal
<i>Apple daily</i>	0	0	0	0	0	0	0	0	0	0	0	6	1	1	0	8
Economic frame																
Humanist frame	0	0	0	0	0	0	0	0	0	0	0	3	1	1	0	
Managerialist frame	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	
Threat frame	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Multiple frames	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Hong Kong Economic Journal (HKEJ)</i>																
Multiple frames	0	0	0	0	0	0	0	1	0	0	6	3	3	0	1	14
Economic frame	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Humanist frame	0	0	0	0	0	0	0	1	0	0	2	0	0	0	0	
Managerialist frame	0	0	0	0	0	0	0	0	0	0	2	3	1	0	1	
Threat frame	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Multiple frames	0	0	0	0	0	0	0	0	0	2	0	0	1	0	0	
<i>Ming Pao</i>																
Multiple frames	0	1	1	0	0	0	0	0	0	0	0	9	0	1	1	15
Economic frame	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	
Humanist frame	0	1	1	0	0	0	0	0	0	2	0	3	0	1	1	
Managerialist frame	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	
Threat frame	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	
Multiple frames	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Oriental daily</i>	1	3	2	0	5	0	0	0	3	2	18	120	55	102	39	350
Economic frame	0	2	1	0	3	0	0	0	0	0	1	4	0	1	4	
Humanist frame	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	
Managerialist frame	0	0	0	0	0	0	0	0	0	0	1	26	8	9	9	
Threat frame	0	0	0	0	0	0	0	0	0	0	5	41	28	69	17	
Multiple frames	1	1	0	0	2	0	0	0	3	2	11	49	19	23	9	
<i>Ta Kiang Pao</i>																
Economic frame	0	1	0	0	0	0	0	0	0	0	0	2	0	2	0	5
Humanist frame	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Managerialist frame	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Threat frame	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	
Multiple frames	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Wen Wei Pao</i>																
Multiple frames	0	0	0	1	2	0	0	0	0	1	1	7	3	1	0	16
Economic frame	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	
Humanist frame	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Managerialist frame	0	0	0	0	1	0	0	0	0	0	0	3	1	0	0	
Threat frame	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	
Multiple frames	0	0	0	0	0	0	0	0	0	1	0	4	2	1	0	408

### The transformations of refugee policies in Hong Kong: three major stages

The development of refugee policies in Hong Kong from 2005 to mid-2019 can be divided into three stages, i.e. the first stage (2005 to November 2008), the second stage (December 2008 to February 2014) and the third stage (March 2014–June 2019). Throughout the period, the changes in refugee policies demonstrate that the HKSARG regard the inflow of refugees as an existential threat to internal security, cultural identity and welfare system. Not only is it because refugees are defined as illegal immigrants but it is also because various policy instruments are introduced to combat the inflow of refugees who are described as system abusers and tried to stay in Hong Kong by lodging torture or non-refoulement claims. Thus, stringent policy instruments, namely, border control measures, screening mechanism framework and in-kind assistance policy, serve as effective means to deter the inflow of potential torture or non-refoulement claimants.

Regarding the interactions of the Chinese newspapers and members of the Legco, they did not engage with each other much in the first two stages. However, in the third stage, Legco members, who are affiliated to the pro-government camp, aligned their arguments with pro-government Chinese newspapers, especially Oriental Daily, and used newspapers as a means to promote their political aspirations. Consequently, the interplay of the HKSARG, the pro-government lawmakers and pro-government Chinese newspapers construct the securitization process of refugees in Hong Kong.

#### *The first stage: independent screening mechanism and in-kind assistance (2005–November 2008)*

In this stage, notwithstanding the fact that the HKSARG held a firm policy of not extending the 1951 Refugee Convention and the 1967 Protocol to Hong Kong ([Secretary for Security, 2008a](#); [Security Bureau, 2006a, 2006b](#)), the independent torture claim screening mechanism was implemented in accordance to the judgment of *Secretary for Security v. Sakthivel Prabakar* in 2004. With the request of the UNHCR, the HKSARG has also commenced the in-kind assistance project to prevent applicants from being destitute. The HKSARG securitized its border by defining torture claimants as system abusers ([Secretary for Security, 2008a](#); [Security Bureau, 2006a, 2006b](#)) and illegal immigrants ([Legislative Council, 2009a](#); [Security Bureau, 2009a](#)). Besides, members of the Legco held mixed views on the issues and did not engage much with Chinese newspapers.

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Between 1992 and 2004, the HKSARG did not conduct independent screening of torture claimants ([Lau, 2017](#); [Law Society of Hong Kong and Hong Kong Bar Association, 2009](#)). In turn, it relied on the decisions of the UNHCR's refugee status determination (RSD) [5] to substantiate or reject a torture claim ([Lau, 2017](#); [Law Society of Hong Kong and Hong Kong Bar Association, 2009](#)). However, the aforementioned judgment ruled that the HKSARG can hardly rely on the decision made by the UNHCR, but an independent screening mechanism of torture claims should be established to ensure high standards of fairness ([Court of Final Appeal, 2004](#)). In detail, the court required the HKSARG to give torture claimants every reasonable opportunity to establish his claim, to assess the claim properly, to provide reasons of rejection and to concern the conditions in the country ([Court of Final Appeal, 2004](#)). The HKSARG, thus, established a non-statutory torture claim mechanism, handled by the Immigration Department in late 2004 ([Lau, 2017](#); [Security Bureau, 2008](#)).

Under the independent torture claim mechanism, the HKSARG provided a written notice for torture claimants to inform the details of screening procedures ([Security Bureau, 2008](#)). Interpreter services were provided for claimants to complete a questionnaire, conduct an interview, use the information collected, determine the claim and seek a petition ([Security Bureau, 2008](#)). It allowed a screened-out torture claimant to appeal to the Secretary for

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Security ([Security Bureau, 2006c](#)). Afterward, for a torture claimant who failed to establish his claim, a claimant will be removed from Hong Kong following the law ([Legislative Council, 2009c](#)). It is important to note that, as legal proceedings were not involved in the screening and appeal stages, there was no legal aid available. However, the decision on a torture claim and the subsequent decision on appeal is subject to JR in which legal aid might be available for the JR proceedings ([Security Bureau, 2006c](#)). This screening mechanism is part of the securitization policies. It was evidenced by the fact that there had not been any substantiated claim before April 2008 ([Legislative Council, 2009b](#)).

Apart from the screening mechanism, the HKSARG has commissioned the International Social Service Hong Kong Branch (ISS-HK) to provide in-kind assistance for torture claimants since April 2006 ([International Social Service Hong Kong Branch, 2006](#); [Security Bureau, 2006a](#)). The in-kind assistance project has been implemented due to the request from the UNHCR, which lacked sufficient budget to support applicants of the RSD ([Legislative Council, 2006a, 2006b](#); [UNHCR, 2006](#)). According to the [Security Bureau \(2006a, 2006b\)](#), the primary purpose of the in-kind assistance project is to prevent a person from becoming destitute and not creating a magnet effect to ensure the sustainability of domestic support systems. However, the provision under the in-kind assistance project has failed to prevent claimants from becoming destitute.

The services, provided by the ISS-HK, covered temporary accommodation, rental support, food supplies and transport allowance ([Security Bureau, 2006a](#)). In terms of accommodation and rental support, apart from a small number of torture claimants allowed to stay in temporary accommodation, most of them received monthly rental allowance with \$1,000 per person in which there were no extra subsidies for the costs of electricity, water and gas ([International Social Service Hong Kong Branch, 2006](#); [Refugee Concern Network, 2006](#)). Even worse, children did not receive a rental allowance at all ([Refugee Concern Network, 2006](#)). Additionally, deposit and agency commission were not provided ([Refugee Concern Network, 2006](#)). It hindered service users from securing their desirable accommodation ([Refugee Concern Network, 2006](#)). Regarding food supplies, a client received food worth a total of \$900 per month in which food collection was on a 10-day basis ([International Social Service Hong Kong Branch, 2006](#); [Society for Community Organization, 2006](#)). Akin to the situation of rental allowance, families with children were not given food specifically for their children ([Society for Community Organization, 2006](#)). Finally, travel costs were provided in cash to allow clients to attend meetings with immigration officers, UNHCR and medical facilities. However, transportation fees required to collect food items every 10 days at the ISS-HK office were not provided ([Refugee Concern Network, 2006](#)). While refugee and torture claimants are provided in-kind assistance, the HKSARG does not allow claimants to take employment and establish a business. It is because the HKSARG believes that there is no need for claimants to take employment, as the level of assistance is sufficient to prevent them from becoming destitute and cater their needs ([Legislative Council, 2009d](#); [Security Bureau, 2009a](#)). It demonstrates that the HKSARG regard refugee and torture claimants as an existential threat to the internal security, cultural identity and welfare system ([Legislative Council, 2009d](#)).

Only limited attention on the implementation of the independent torture claim mechanism and other securitization measures were found in this stage by the members of the Legco and Chinese newspapers. Members of the Legco can be divided into two major camps, namely, the pro-democracy camp [6] and the pro-government camp [7]. While members of the pro-democracy camp held a humanitarian attitude and against the securitization discourses by proposing a motion, members of the pro-government camp

supported securitization policy instruments, as they regarded torture claimants as an existential threat.

Members of the pro-democracy camp, such as Cheuk-Yan LEE, Emily LAU, James TO, Fernando CHEUNG and Albert HO, expressed grave concerns on the treatment of refugee and torture claimants and urged the HKSARG to extend the 1951 Refugee Convention and the 1967 Protocol to Hong Kong. For example, Albert HO expressed “grave concern that refugees and asylum seekers were treated in an inhumane manner in Hong Kong” and was dissatisfied that “they were not even provided with allowance-in-cash to meet their daily needs” ([Legislative Council, 2006a](#), p. 10). He proposed a motion without legal binding power to urge the HKSARG to establish a joint mechanism to handle both refugee and torture claims, to enhance the screening procedures and to expand the scope of legal aid for claimants throughout the claiming process ([Legislative Council, 2006a](#)). The motion was carried with all members presented at the meeting. Although the motion was passed, the HKSARG did not make any changes related to the motion.

In contrast, members of the pro-government camp held that the HKSARG should reduce the magnet effect and avoid the influx of new claimants by implementing securitization measures ([Legislative Council, 2006b](#)). For instance, Yiu-Chung TAM claimed that “extension of the (1951 Refugee) Convention to Hong Kong could have serious impacts on the sustainability of our support systems” and “the present arrangement of providing assistance-in-kind to asylum seekers is appropriate because it could prevent a person from becoming destitute without creating a magnet effect” ([Legislative Council, 2006b](#), p. 14). Other members of the pro-government camp, such as Kong-Wah LAU and Ming-Wah LUI, also shared similar views. Even though members of the pro-government camp regarded claimants as an existential threat, they did not move any motion or provide policy suggestions to increase border control and the screening mechanism in this stage.

With low media attention, Chinese newspapers did not have significant influences on the policy agenda. There were only 95 news reports and 10 editorials/column articles in this stage. Particularly, Apple Daily (15 reports), HKEJ (0 report), Ming Pao (21 reports; 2 editorials/column articles), Oriental Daily (31 reports; 6 editorials/column articles), Ta Kung Pao (16 reports; 1 editorial/column article) and Wen Wei Pao (12 reports; 1 editorial/column article). Among these newspapers, Apple Daily, HKEJ and Ming Pao held a more neutral position toward refugee and torture claimants. However, other newspapers, i.e. Oriental Daily, Ta Kung Pao and Wen Wei Pao, tended to frame claimants as benefit seekers and security threats to domestic security.

For newspapers with a more neutral stance, they did not delineate torture claimants as sources of security threat. Take [Apple Daily \(2006a, 2006b\)](#) as an example, although the threat frame was the dominant frame and described them as drug dealers and smugglers, the newspaper did not exaggerate their behaviors.

Regarding other newspapers with a negative perspective, they contributed 59 reports and 8 editorials/column articles. Oriental Daily, Ta Kung Pao and Wen Wei Pao exaggerated the situations and described claimants as benefit seekers and sources of security threat. For instance, Oriental Daily used terms such as the heaven of black labors and torture claims as an amulet to work illegally in Hong Kong ([Kung Fu Tea, 2006](#); [Oriental Daily, 2006, 2007](#)). [Wen Wei Pao Editorial \(2008\)](#) also reported with the terms, i.e. illegal immigrants, abusers of the screening mechanism, illegal workers and a threat to social security.

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*The second stage: the “enhancement” of refugee policies (December 2008 to February 2014)*

The HKSARG has continued to regard refugee and torture claimants as illegal immigrants and an existential threat. Because of three critical judgments, i.e. *FB and Ors v Director of Immigration and Anor* (High Court, 2008), *Iqbal Shahid, Waseem Abbas and Others v Secretary for Justice* (Court of First Instance, 2008) and *MA v Director of Migration* (Court of First Instance, 2010), the HKSARG established an enhanced screening mechanism to expedite the screening procedures and amended the Immigration Ordinance in 2009 and 2012, respectively. What is more, it has enhanced the in-kind assistance project since February 2014 to better the situations of claimants. However, it still follows the securitization logic. While members of the Legco still held mixed perspectives on the issues, they did not move motions to amend refugee policies. Furthermore, although the number of news reports doubled in this period, newspapers did not have strong influences on the policy agenda, which indicates that members of the Legco did not make use of newspapers to echo their political views in this stage.

After the judgments, the HKSARG implemented the enhanced screening mechanism in 2009 and amended the Immigration Ordinance in both 2009 and 2012 to fulfill the requirements ruled by the court. The principal purpose of the HKSARG was to expedite the screening procedures. Then, it can remove claimants who failed to establish torture claims timely (Legislative Council, 2009b). In *FB and Ors v Director of Immigration and Anor*, it was ruled that the independent torture claim screening mechanism failed to meet the high standards of fairness and was unlawful in several aspects. It includes not permitting the presence of a legal representative during the completion of the questionnaire and the interview, refusing to provide publicly-funded legal representation to a torture claimant, examining and deciding a torture claim by different immigration officers, failing to provide sufficient training for decision-makers and failing to provide for a hearing on a petition and legal representation at the oral hearing (High Court, 2008).

In response to the judgment, the HKSARG ceased the administrative screening mechanism in December 2008 and commenced the enhanced screening mechanism on 24 December 2009 (Security Bureau, 2011a). The new screening mechanism improved mainly in four aspects. First, screening procedures were amended. Immigration officers who were responsible for conducting screening interviews would make a decision on the corresponding claim (Security Bureau, 2009b). Second, to equip sufficient knowledge, it strengthened training and support for officers (Security Bureau, 2009b). Third, independent persons with legal background would make a decision on petitions against the decisions on the claims and hearings were conducted in the petition process if necessary (Security Bureau, 2009b). Finally, the Duty Lawyer Service (DLS), a publicly-funded legal assistance scheme, will be provided to claimants who lacked economic means (Security Bureau, 2009b).

Apart from the implementation of the enhanced screening mechanism, the HKSARG enacted the Immigration (Amendment) Ordinance 2012, which provides a statutory framework for determining torture claims made by persons in Hong Kong for protection under Article 3 of the CAT, in July 2012 (Legislative Council, 2011, 2013), and permit substantiated claimants to work legally on a discretionary basis, based on the judgment of *MA v Director of Immigration* (Legislative Council, 2011). The statutory framework sets out comprehensive criteria, including the procedures of lodging a torture claim, the 28-day limit for a claimant to return the torture claim form, the requirements for immigration officers to arrange screening interviews and the establishment of the Torture Claims Appeal Board (TCAB) (Legislative Council, 2011, 2013). Despite the enhancement of the screening mechanism and the legal framework, the HKSARG still refused to implement a USM to

improve the situations. According to [Law Society of Hong Kong and Hong Kong Bar Association \(2011\)](#), the parallel screening mechanism framework, which is the coexistent of the RSD of the UNHCR and the enhanced torture claim mechanism, was cost-ineffective. It is because claimants may undergo duplicate screenings.

Another judgment, *Iqbal Shahid, Waseem Abbas and Others v Secretary for Justice*, led the HKSARG to further tighten its border control policy by amending the Immigration Ordinance in 2009 ([Security Bureau, 2009c](#)). It ruled that recognizance issued by the Immigration Department represented an authority from the Director of Immigration for claimants to remain legally ([Security Bureau, 2009c](#)). Consequently, they had a defense against the prosecution of “unlawful remaining” ([Security Bureau, 2009c](#)). Thereafter, the HKSARG has enacted the Immigration (Amendment) Ordinance 2009 to prohibit illegal immigrants, torture and refugee claimants to take employment and participate in any business activity. Since virtually all torture claimants (99.4% as of June 2009) were granted recognizance, the principal purpose of the Amendment Ordinance was, therefore, to hinder claimants to take employment, to protect local workers and to avoid the further influx of illegal immigrants ([Legislative Council, 2009e, 2009f](#)).

Apart from the screening mechanism and border control policies, the ISS-HK and the HKSARG have enhanced the in-kind assistance project since February 2014. Hence, the HKSARG reaffirms that in-kind assistance is a form of tide-over support, provided on humanitarian grounds rather than welfare assistance for eligible Hong Kong residents ([Security Bureau, 2009b, 2011b](#)). The primary purpose of the assistance is to prevent a person from becoming destitute and to avoid a magnet effect ([Security Bureau, 2009b, 2011b](#)). However, even after the enhancements, the assistance level is still too low to prevent claimants from becoming destitute. It is because the provision of in-kind assistance has only been increased from \$3,220 to \$3,420, which fails to meet the poverty line [8], \$3,500, in 2014 ([Financial Secretary's Office, 2015](#)).

In detail, the HKSARG has enhanced the service package in four aspects, i.e. accommodation, food, transportation and utility allowance ([Security Bureau and Social Welfare Department, 2014](#)). In terms of accommodation, it has agreed to provide “rental deposits (i.e. \$3,000 or an amount equivalent to two months of rent, whichever is the less) and property agent fees (i.e. \$750 or an amount equivalent to the rent for half a month, whichever is the less) to better meet the needs of claimants” ([Security Bureau and Social Welfare Department, 2014](#), p. 2). It has also increased the monthly rental allowance from \$1,200 to \$1,500 ([Security Bureau and Social Welfare Department, 2014](#)). Regarding food assistance, the average budget for food for each claimant has increased from \$1,060 to \$1,200 per month ([Security Bureau and Social Welfare Department, 2014](#)). For transportation allowance, rather than reimbursement, the HKSARG has provided cash allowance from a range of \$200 to \$420 in advance for regular trips ([Security Bureau and Social Welfare Department, 2014](#)). Besides, there is a small buffer for claimants to meet non-routine journeys ([Security Bureau and Social Welfare Department, 2014](#)). Finally, the monthly allowance on utilities has adjusted from around \$260 to \$300 per claimant ([Security Bureau and Social Welfare Department, 2014](#)).

Asylum seekers still have no right to take employment or operate a business despite their challenges in *MA v Director of Immigration* ([Court of First Instance, 2010](#)). The Security Bureau and the Police Force indicate that potential relaxation in relevant immigration policies and granting the rights to work for asylum seekers and refugees, who are defined as illegal immigrants, would give them “false hope” and create a strong pulling force in attracting ample of them to Hong Kong ([Court of First Instance, 2010](#)). Therefore, the HKSARG remains its position.



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In terms of members of the Legco, while members of the pro-democracy camp shared a humanitarian ground and required the HKSARG to extend the 1951 Refugee Convention and its 1967 Protocol to Hong Kong, members of the pro-government camp expressed grave concerns on the issues of financial burden brought by claimants, local employment opportunities and related security threat. However, there was no motion moved in this period.

One of the typical examples of pro-democracy camp members is the opinion of Yuk-Man WONG. He claimed that the assistance provided to torture claimants should fulfill the requirements set out in Article 23 of the 1951 Convention ([Legislative Council, 2014](#)). It stated that claimants should receive the same level of treatment with respect to public relief and assistance provided to their nationals ([Legislative Council, 2014](#)). In turn, members of the pro-government camp, such as Yung-Kan WONG and Kwok-Kin WONG, expressed grave concerns about the economic impact brought by torture claimants ([Legislative Council, 2009e; 2010](#)). Their securitization discourses aligned with the narrations of the HKSARG. It reflects that members of the pro-government camp also regarded torture claimants as an existential threat.

Same as the previous stage, Chinese newspapers did not engage much with members of the Legco. However, the topics of refugee and torture claimants were on a higher media agenda with 215 news coverages and 11 editorials/column articles. Specifically, Apple Daily (43 reports), HKEJ (6 reports; 1 editorial/column article), Ming Pao (67 reports), Oriental Daily (51 reports; 8 editorials/column articles), Ta Kung Pao (19 reports) and Wen Wei Pao (29 reports; 2 editorials/column articles). While Ta Kung Pao adjusted its reporting style and became more neutral on its reports, five other newspapers maintained their narration styles.

Among the four newspapers with a more neutral stance, they reported the situations of claimants and policies implemented by the HKSARG without emotional terms. Although the threat and managerialist frames were the dominant frames among these newspapers, they still reported 21 coverages with the human-interest frame. For example, Ming Pao reported 14 coverages on the human-interest frame. A news report, entitled *Living in a Slum, Walking 300 m for a Toilet*, described that:

For seven years, there was a slum in Fanling. Eight refugees stayed in six small cottages. The hygienic conditions were so poor. They needed to handle their life, including cooking, washing, and bathing, within a 10 sq. ft living space. Besides, the nearest toilet was 300m away ([Ming Pao, 2013a](#)).

Not only did these reports balance the discourses of security threat and financial burden but they also allowed readers, including members of the Legco, to comprehend the actual situations encountered by refugee and torture claimants.

In terms of Oriental Daily and Wen Wei Pao, which held negative images toward refugee and torture claimants, they concerned that the HKSARG should tighten migration policies and the screening mechanism to stop the influx of claimants and illegal immigrants. Although they did not describe claimants as “bogus refugees,” they used exaggerated phrases and news titles to frame claimants negatively. For example, [Oriental Daily \(2009, 2013\)](#) linked refugee and torture claimants with gangs and described Hong Kong as a “refugee heaven.” Another news coverage, entitled *Torture Claimants as Triads in Lan Kwai Fong*, reported that “Lan Kwai Fong is no longer an expatriate haunt. Instead, it becomes a refugee haunt where many refugees committed crimes” ([Oriental Daily, 2013](#)). Apart from news reports, its editorials shared the same opinions. For instance, an editorial, entitled *When is the end of the influx of refugees*, stated that “while European countries tighten their immigration policies, the deficiency of local policies allow refugees to stay

endlessly. The hypocritical Government does nothing to stop the influx but allowing them to stay. Hardly could the problem be solved" ([Oriental Daily Editorial, 2013](#)). Another example is Wen Wei Pao. It claimed that claimants abused the screening mechanism and tried to make benefits from local society. The report, entitled *The Abuse of Torture Claim Mechanism: Accumulated 5,400 Pending Cases*, reported that "many Southeast Asians make use of the torture claim as an amulet to stay in Hong Kong" ([Wen Wei Pao, 2009](#)). These reports and editorials demonstrated that Oriental Daily and Wen Wei Pao framed refugee and torture claimants as a security threat and an economic burden to local society.

*The third stage: unified screening mechanism and prioritized policy agenda (March 2014 to June 2019)*

Various policy instruments have been implemented by the HKSARG to expedite the screening procedures and increase border control. The HKSARG has finally established the USM to determine non-refoulement claims on four grounds, i.e. risks of torture under CAT/Part VIIC of the Immigration Ordinance Cap.115, torture or CIDTP under Section 8, Article 3 of the Hong Kong Bill of Rights Ordinance (HKBORO) Cap. 383, the right to life under Section 8, Article 2 of the HKBORO [9] and persecution with reference to the non-refoulement principle under Article 33 of the 1951 Refugee Convention ([Lau, 2017](#); [News.gov.hk, 2014](#); [Security Bureau, 2014](#)). The USM, thus, replaces the RSD of the UNHCR and the enhanced screening mechanism. Additionally, the HKSARG has implemented a series of border control measures to combat the illegal entry of non-refoulement claimants. It indicates the HKSARG remains its position to define them as an existential threat. Regarding members of the Legco and Chinese newspapers, they engaged with each other frequently. The issues of non-refoulement claimants were prioritized on the media and policy agenda. However, a prioritized policy agenda did not lead to the change of principles held by the HKSARG.

Since 3 March 2014, the HKSARG has implemented the USM because of two judgments, i.e. *Ubamaka Edward Wilson v. Secretary for Security* and *C and Ors v. Director of Immigration*. With the commencement of the USM, although the UNHCR ceased the RSD in Hong Kong, substantiated claims under the USM will still refer to the UNHCR for relocation to a third country ([News.gov.hk, 2014](#)). After implementing the USM, administrative enhancement measures have been introduced to improve screening procedures and optimize the use of resources in 2015 ([Legislative Council, 2016a, 2016b, 2016g](#)). Such measurements include amending the non-refoulement claim form by reducing the number of questions, providing a screening bundle for claimants to keep personal records and requiring duty lawyers to offer available dates for conducting screening interviews immediately in the wake of the submission of a claim form ([Legislative Council, 2016a](#)).

To further expedite the screening procedures, the HKSARG has implemented a range of policy instruments, including the extension of the TCAB in July 2016 and the introduction of the Publicly-funded Legal Assistance for Non-refoulement Claimants in September 2017. On the one hand, the TCAB expands its membership from the original size of 28 to 102 because of the dramatic increase of appeal cases ([Secretary for Security, 2018](#)). On the other hand, combined with the DLS, the introduction of the Publicly-funded Legal Assistance for Non-refoulement Claimants increases the capacity of the USM to approximately 5,000 cases a year ([Security Bureau, 2018a](#)).

In terms of stringent border control measures, the HKSARG has also implemented a series of policy instruments, i.e. the amendment of the Immigration (Unauthorized Entrants) Order (Cap. 115 sub. leg. D) in May 2016, the introduction of online pre-arrival registration for Indian visitors in January 2017, the implementation of the Marine Situational Awareness

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System in December 2017, the enhancement of the Under Vehicle Surveillance System in early 2018 and the implementation of Joint Task Force with Guangdong on Combating Smuggling of Illegal Immigrants Across the Hong Kong-Guangdong Boundary since early 2016.

The amendment of the Immigration (Unauthorized Entrants) Order (Cap. 115 sub. leg. D) aims to expand the scope of unauthorized entrants from only Vietnam to include Afghanistan, Bangladesh, India, Nepal, Nigeria, Pakistan, Somalia and Sri Lanka ([News.gov.hk, 2016](#)). The Amendment was responded to the surging number of NECIIs and claims. While the figure of intercepted NECIIs increased from 547 in 2011 to 3,819 in 2015, the number of torture or non-refoulement claimants increased from 1,432 to 5,053 in the same period ([Security Bureau, 2006c](#)). The HKSARG implements this measure because it regard NECIIs as a severe threat to border control.

The pre-arrival control measures then have been introduced to intercept Indian visitors, who intend to lodge non-refoulement claims, at source ([Security Bureau, 2017](#)). This policy is only applied to visitors from India, as 80% of the claimants from India entered Hong Kong legally as visa-free visitors and lodged their claims after overstaying or having been refused permission to land ([Security Bureau, 2017](#)). As of March 2018, the number of new Indian claimants dropped significantly from 68 claims per month to 18 claims per month ([Security Bureau, 2018b](#)). Other measurements are simultaneously implemented to combat the illegal entry of migrants ([Legislative Council, 2018a](#); [Security Bureau, 2017](#)).

The HKSARG has also introduced the Marine Situational Awareness System and the Enhanced under Vehicle Surveillance System at boundary control points to combat all illegal immigration activities ([Legislative Council, 2018](#)). The Marine Situational Awareness System allows the sharing of real-time images and information among police officers on vessels and land to detect maritime crimes and illegal immigrants ([Legislative Council, 2018](#)). The Enhanced under Vehicle Surveillance System, on the other hand, helps to tackle illegal immigrants who smuggled to Hong Kong by hiding under large vehicles ([Legislative Council, 2018](#)).

Finally, the Police Force and the Immigration Department have cooperated with authorities of the mainland China to combat syndicates who smuggle NECIIs to Hong Kong since early 2016 ([Security Bureau, 2017](#)). The HKSARG agrees to continue joint anti-smuggling operations with Guangdong, Guangxi, Yunnan and Macao until mid-2019 ([Security Bureau, 2017](#)).

Since the enhancement of the in-kind assistance in 2014, the level of assistance has not changed in this period. While the HKSARG believes that the assistance provided on the humanitarian ground is sufficient to prevent non-refoulement claimants to become destitute, the monthly in-kind assistance from \$3,200 to \$3,420 per adult claimant can hardly meet the level of the poverty line, which was \$4,000 in both 2016 and 2017 ([Census and Statistics Department, 2019](#)). Therefore, the amount of in-kind assistance, provided to non-refoulement claimants, fails to meet the basic needs of claimants.

There was the most radical debate in the Legco, compared with the last two stages. Not only did members of the pro-government camp criticize non-refoulement claimants as criminal offenders and propose to set up closed refugee camps but they also made use of newspapers to promote their discourses. In contrast, members of the pro-democracy camp kept defending the rights of non-refoulement claimants and attempted to reject motions moved by the pro-government camp ([Legislative Council, 2016b](#)).

Elizabeth Quat, a member of the pro-government camp, opined that “the majority of non-refoulement claimants are actually bogus refugees who come to Hong Kong for allowances, illegal employment and money through engagement in illegal activities”

(Legislative Council, 2015, p. 465). She also supported to set up closed refugee camps to “address the problem of abuse of the non-refoulement claim scheme” (Legislative Council, 2016c, p. 16). Furthermore, she was the chairman of the subcommittee to follow up issues relating to the USM for non-refoulement claims of the Legco. Her motion on “report of the subcommittee to follow up issues relating to the USM for non-refoulement claims” was then passed by the Legco (Legislative Council, 2019a). This non-legal binding motion urged the HKSARG to combat the influx of illegal immigrants, to expedite the screening of pending non-refoulement claims and to enhance enforcement actions against illegal employment of claimants (Legislative Council, 2019b).

Besides, Wilson OR, another member of the pro-government camp, appreciated the reports of Oriental Daily and endorsed its “bogus refugee” narrations. He mentioned that:

I have to thank Oriental Press Group for being the first to make in-depth reports on the ‘bogus refugees’ issue. The ‘troop of bogus refugees’, which mainly consists of South Asian people, has committed serious crimes like robbery, rape, murder and illegal disposal of [a] corpse, and these refugees scatter[ed] in different areas (Legislative Council, 2016d, p. 1694).

Furthermore, Priscilla LEUNG considered that many non-refoulement claimants participated in criminal offenses. Therefore, it is necessary to introduce more stringent measures and put all claimants under closed detention (Legislative Council, 2016e, 2016f; 2016g).

Regarding members of the pro-democracy camp, their discourses are aligned with the first two stages. They considered that the HKSARG should provide more financial support to non-refoulement claimants, extend the 1951 Refugee Convention and its 1967 Protocol to Hong Kong, as well as oppose against any inhuman policy, especially closed camps. For instance, Nathan LAW opined that “the setting up of closed camps would incur very high costs, and as this is a very inhuman option” (Legislative Council, 2016d, p. 1708). He further argued that “all of us who support democracy, let us hold fast to this bottom line and protect all people from social groups under suppression in Hong Kong” (Legislative Council, 2016d, p. 1708).

The debate in the Legco indicates that the pro-government camp, as the majority in the Legco, imposed the securitization notions and aligned their arguments with the HKSARG, as well as newspapers with anti-refugee notions, especially Oriental Daily. Therefore, the issues of non-refoulement claims were on the high policy agenda.

One of the major reasons for the prioritized policy agenda is high media attention. The number of news reports, editorials and column articles reached a peak with over 2,000 news coverages and 386 editorials/column articles. Most of them were reported by Oriental Daily. Since early 2016, Oriental Daily, Ta Kung Pao and Wen Wei Pao had consistently reported non-refoulement claimants as “bogus refugees” and “system abusers.” Although they used the term, “bogus refugees,” on some occasions before 2016, they just quoted other actors’ definitions. Among these newspapers, the dominant frames are the threat and managerialist frames. Not only were non-refoulement claimants defined as troublemakers and criminal offenders but they were also articulated with terrorism, particularly reports by Oriental Daily. In contrast, Apple Daily, HKEJ and Ming Pao maintained a more neutral stance and reported stories with a fairer tone. Identically, these newspapers only used the term, “bogus refugees” in the situations of quoting the opinions of actors, i.e. previous government officers and councilors.

Regarding Oriental Daily, it reported the issues of non-refoulement claimants frequently in which there were 1,685 coverages and 336 editorials/column articles. While 929 coverages about the threat frame were reported, there was no report about the human-interest frame. In

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terms of the threat frame, non-refoulement claimants were defined as drug dealers ([Oriental Daily, 2016a](#)), rapists ([Oriental Daily, 2016b](#)), terrorists ([Oriental Daily, 2018a](#)) and carriers of acute sickness ([Oriental Daily, 2018b](#)). It is also the only newspaper, which delineated non-refoulement claimants as terrorists. For example, a news report stated that “Sham Shui Po becomes. . . . a base of terrorists where Southeast Asians are armed with real guns” ([Oriental Daily, 2018a](#)). This narration is also discovered in its editorials, such as [Oriental Daily Editorial \(2015, 2018\)](#). [Oriental Daily Editorial \(2015\)](#) stated that:

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With the tolerance of the HKSARG towards bogus refugees, it is not surprised that Hong Kong will attract terrorists. It is because some terrorists will make use of the screening mechanism to stay in Hong Kong. They will then use Hong Kong as a platform to make money and plan to attack Hong Kong as well as other countries

Among column articles, Elizabeth Quat contributed 21 articles since late 2016. Her discourses on non-refoulement claims were the same as her narrations within the Legco. She held the stance that bogus refugees are the threat of internal security, as refugees are rapists, criminal offenders and gangs ([Quat, 2017, 2018](#)). In one of the column articles, [Quat \(2018\)](#) claimed that:

The problem of bogus refugees spreads to all areas in Hong Kong. In Sham Shui Po, the base of bogus refugees, they take drugs in a park, make drug deals and keep weapons. After taking drugs, they will become a threat to residents

Among the three newspapers with a more neutral stance, there were only 179 reports and 33 editorials/column articles, which are approximately 10 times fewer than *Oriental Daily*. The managerialist and threat frames are the dominant frames among all reports. However, there is still a certain amount of news coverage with the human-interest frame. These news reports demonstrated that non-refoulement claimants are living without dignity and humanitarian treatments. For example, a news coverage, entitled *Professionals Among Non-refoulement Claimants, A Congolian Female Teacher Felt Discriminated on the Idea of Closed Camp*, mentioned that:

Dr Flora Pui Yan LAU, an Assistant Professor at the Hong Kong Shue Yan University, conducted 25 in-depth interviews with non-refoulement claimants who mainly came from Africa to understand their life experience in Hong Kong. Favour, a non-refoulement claimant from Congo, obtained a bachelor's degree and was an English and Math teacher. She fled to Hong Kong due to political prosecution. . . . She felt isolated and discriminated since some people proposed to set up a closed refugee camp. Also, she tried to take employment, but there is no way for her to work legally in Hong Kong ([Ming Pao, 2017](#)).

### Discussion: an advanced comprehensive security approach

According to the development trajectory of refugee policies in Hong Kong, it is argued that the HKSARG, pro-government members of the Legco and pro-government Chinese newspapers performed as securitizing actors, who define asylum seekers and refugees as an existential threat to the referent objects, i.e. internal security, cultural identity and welfare system. The HKSARG not only defines asylum seekers and refugees as NECIIs but it has also implemented a range of securitization policy instruments, namely, border control policies, the screening mechanism and in-kind assistance project, to defend the referent objects. Pro-government members of the Legco, who hold a similar position with the HKSARG, have supported securitization policy instruments and regard asylum seekers and refugees as an existential threat to the referent objects. Pro-government Chinese newspapers contribute to set media agenda, which frames asylum seekers and refugees as an existential



threat. It is noteworthy that despite prioritized media and policy agenda in the third stage, the HKSARG did not implement further stringent policy instruments, such as establishing refugee camps, proposed by pro-government members of the Legco.

The securitization of refugees in Hong Kong is a multidirectional process in which speech acts are not formed in the very first stage. The HKSARG did not give keen attention to the issues of asylum seekers and refugees before the establishment of the independent screening mechanism in 2005. The detailed discussion was first found in the Administration's paper (Security Bureau, 2006a), prepared for the Joint Meeting of Panel on Welfare Services and Panel on Security on 18 July 2006 (Legislative Council, 2006b). Even the establishment of the independent screening mechanism was not the HKSARG's intension. The mentioned mechanism was established according to the court ruling (Court of Final Appeal, 2004). Landmark changes in government policies related to securitization measures were mainly driven by different court judgments. More examples can be found on the establishment of the enhanced screening mechanism, which was because of the ruling of *FB and Ors v Director of Immigration and Anor* (High Court, 2008) and the enactment of the USM, required to set up by the court in *Ubamaka Edward Wilson v. Secretary for Security and C and Ors v. Director of Immigration* (Court of Final Appeal, 2012, 2013). Therefore, key judgments, as a contextual factor, play a vital role in the development of screening mechanism and related supporting measurements in Hong Kong. While key judgments play an important role to force the HKSARG to screen out claimants in the high standards of fairness, it is not the court but the HKSARG *per se* to implement stringent screening mechanism and immigration policies, used to bar the entry of asylum seekers, to limit the substantiated rate of the screening mechanism and to provide minimal tide-over support for claimants. The definition of asylum seekers and refugees as NECIIs is a path dependence, which exists before the current inflow of torture, refugee and non-refoulement claimants.

According to government officials, the HKSARG holds stringent immigration and related policies toward asylum seekers and refugees because potential relaxation in relevant immigration policies and granting the rights to work for them, who are defined as illegal immigrants, will give "false hope" and create a strong pulling force in attracting ample of them to Hong Kong (Court of First Instance, 2010). This position, held by the HKSARG, indicates that it regard asylum seekers and refugees as outsiders, who have no illegitimate rights to access social and economic rights in Hong Kong and a threat to the stability of the local employment market. Therefore, they are an existential threat to internal security and cultural identity in Hong Kong. In terms of the in-kind assistance project, it is a kind of tide-over support provided on humanitarian grounds rather than welfare assistance for eligible Hong Kong residents (Security Bureau, 2009b, 2011b). The assistance is only provided to prevent a claimant from becoming destitute, avoid a magnet effect and ensure the sustainability of the domestic support system (Security Bureau, 2009b, 2011b; Security Bureau, 2006a, 2006b). It explains that the HKSARG regard asylum seekers and refugees as an existential threat to the welfare system and cultural identity at the same time.

Pro-government members of the Legco frame asylum seekers and refugees as financial burden, a threat to the local employment market, criminal offenders, bogus refugees and other negative images. For example, members of the pro-government camp established the subcommittee to follow up issues relating to the USM for non-refoulement claims. They then passed a motion on "report of the subcommittee to follow up issues relating to the USM for non-refoulement claims" (Legislative Council, 2019a), which urged the HKSARG to combat the influx of illegal immigrants, to expedite the screening of pending non-refoulement claims and to enhance enforcement actions against illegal employment of claimants (Legislative Council, 2019b). The frames of these members indicate that they regard asylum seekers and



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refugees as an existential threat to internal security, cultural identity and the welfare system in Hong Kong. Notwithstanding the fact that members of the pro-democracy camp attempted to desecuritize the issues, they lacked sufficient power to fight against the pro-government camp and to stop the passage of the motion.

Pro-government Chinese newspapers are the last securitizing actor discussed in this paper. Most of their news reports were in the threat frame. For instance, *Oriental Daily* and *Wen Wei Pao* used exaggerated phrases and negative frames, such as benefit seekers, bogus refugees, abusers to screening mechanism, illegal workers and a threat to social security, especially in the third stage. Other Chinese newspapers with a more neutral or a pro-democratic stance balanced their frames but only reported on the issues with limited attention. Therefore, the negative images reported by Chinese newspapers were more frequent in the policy agenda. For example, the previous Chief Executive, Chun-Ying LEUNG and some Legco members of the pro-government camp, such as Wilson OR, appreciated the efforts of *Oriental Daily* to report the wickedness of asylum seekers and refugees. It again proves that media and political elites share the power to frame a discourse.

## Conclusion

The development trajectory of refugee policies in Hong Kong proves that the advanced comprehensive security approach contributes to understanding the securitization process. The HKSARG, pro-government members of the Legco and pro-government Chinese newspapers worked together to frame asylum seekers and refugees as an existential threat to the internal security, cultural identity and welfare system. This paper argues a multidirectional process of securitization, a non-elite basis of securitization analysis, a vital role of contextual factors and a path dependence of policymaking (Bourbeau, 2011, 2014; 2017). It also argues that the agenda-setting theory is useful for understanding the role of mass media in the process of securitization. For instance, Elizabeth Quat made use of *Oriental Daily* to disseminate her political viewpoints, which frame asylum seekers and refugees as rapists, criminal offenders and gangs (Quat, 2017, 2018).

Apart from the three securitizing actors, this paper does not discuss the efforts of human right lawyers and NGOs in shaping refugee policies in Hong Kong. They are not included in the discussion because only limited resources are available to study their roles. Thus, conducting in-depth interviews and focus group interviews will be more sensible options. Therefore, the author only focused on the three mentioned actors.

Because of the stances of the HKSARG, pro-government members of the Legco and pro-government Chinese newspapers, it is foreseeable that the related policies will remain in a similar approach. Therefore, this paper is not about urging the HKSARG to implement more robust and comprehensive refugee policies. However, at least, the HKSARG should consider providing more tide-over support to improve the living conditions of asylum seekers and refugees on the humanitarian ground because their living standards are below the current poverty line.

## Notes

1. Since the HKSARG is not a signature party of the 1951 Refugee Convention and the 1967 Protocol, it does not define claimants as asylum seekers or refugees. Therefore, there are no official refugee policies in Hong Kong. However, this research study uses the term "refugee policy" to define any border control policies, in-kind assistance policies and screening mechanism (Thielemann, 2001) related to the management of non-refoulement claims as refugee policies.

2. The term, torture claimants, refers to claimants of the HKSARG's torture claim screening mechanism from 2005 to February 2014.
3. The USM has combined torture claims under the CAT, the criteria of the HKBORO and the non-refoulement principle under the 1951 Refugee Convention. It has replaced the RSD of the UNHCR and the torture claim screening mechanism.
4. The term, non-refoulement claims, refers to claims made under the USM from March 2014 to mid-2019.
5. The UNHCR ceased to screen refugees in 2014 because of the establishment of the USM.
6. Members of the pro-government camp refer to Legco members who hold a relatively solid stance to support policies proposed by the HKSARG (Ma, 2015).
7. Members of the pro-democracy camp refer to Legco members who share a relatively strong anti-China line (Ma, 2015).
8. The first official poverty line was introduced in 2013 (Financial Secretary's Office, 2015).
9. The HKSARG has extended the ground of the right to life since 2016 (Lau, 2017).

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