

Public Access to Police Manuals

2. MR LAW CHI-KWONG asked (in Cantonese): *It is learnt that the Police Manual stipulates the standard procedures for police officers to follow when discharging their duties. In this connection, will the Government inform this Council:*

- (a) *of the reasons why the police has not released the Police Manual for public information following the implementation of the Code on Access to Information on 1 April 1996;*
- (b) *whether the procedures set out in the Police Manual are consistent with the provisions of the Hong Kong Bill of Rights Ordinance; and*
- (c) *given that certain groups such as battered spouses, handicapped persons and marginal youth have complained that police officers often do not respect their legal rights or neglect their special needs when handling cases involving them, whether the Government will consider consulting these groups with a view to making appropriate changes to the Police Manual so as to safeguard the interests of the groups concerned?*

SECRETARY FOR SECURITY (in Cantonese): Mr President,

- (a) The Code of Access to Information was only extended to the Police Force with effect from 23 December 1996, consistent with the Government's commitment to extend the Code to all branches and departments by the end of 1996. The Police Force is in the last batch of departments to join the Code as it was planned that this should coincide with the amendments to the Commissioner for Administrative Complaints Ordinance, recently passed on 18 December 1996, which empowers the Commissioner to investigate complaints against the police of non-compliance with the Code. Members of the public may apply for access to information, including police procedures, from the Access to Information Officer of the Police Force.

- (b) The existing police procedures are consistent with the provisions of the Hong Kong Bill of Rights Ordinance.
- (c) The Police Force has drawn up special procedures for handling cases involving battered spouses, juveniles/children and handicapped persons in an appropriate manner. There are established channels for the police to liaise closely with the relevant parties, such as the Social Welfare Department and non-government organizations, to exchange views on handling these cases. Front-line police officers are regularly trained to ensure that they are familiar with the relevant procedures so that vulnerable individuals are handled with care and sensitivity.

MR LAW CHI-KWONG (in Cantonese): *Mr President, I would like to ask a short follow-up question and, if you allow, I would raise another question later. My question is if I apply to the Access to Information Officer of the Police Force for access to the Police Manual, will the Police Force approve my application?*

SECRETARY FOR SECURITY (in Cantonese): Mr President, all police information, such as the Police Manual and documents related to police action, including the Police General Orders, Force Procedures Manual and so on, is open for public access. In this respect, even members of the public who ask for access to the information will be able to acquire the information needed within the scope of the Code on Access to Information, let alone Legislative Council Members.

Nevertheless, to prevent jeopardizing or hindering the detection or investigation of criminal offences, a small part of the contents cannot be disclosed under the Code on Access to Information. If such information is disclosed, an adverse consequence may result. For instance, the procedures on investigating or handling of kidnap cases are set out in the Police General Orders. If the related content is disclosed to the public, the safety of future kidnap victims may be affected. It is for this reason that a small portion of information of this kind cannot be made public. Apart from this, if the public have such need, they may ask the Police for access to the Police General Orders and Force Procedures Manual. I would like to take this opportunity to inform Members of our plan (but not yet put into practice due to insufficient time) to deposit the Force Procedures Manual — I am sorry, it should be the Police General Orders, in the report rooms of all police stations to facilitate direct access by the public.

MR LEUNG YIU-CHUNG (in Cantonese): *Mr President, part (c) of the question raised by the Honourable LAW Chi-kwong concerns mainly with the fact that in lodging complaints, handicapped persons or battered spouses often fail to receive due respect as far as their legal rights and positions are concerned. Such phenomena have been generally reflected in the complaints we received. In spite of this, the Secretary for Security, in answering part (c), pointed out that the Police Force has drawn up special procedures for handling cases involving battered spouses, juveniles/children and handicapped persons. In this respect, will the Secretary spell out the details of these special procedures? At the same time, will the police allow the complainants, before lodging their complaints, to be informed of these procedures? For instance, the related information can be included in the Force Procedures Manual to let the complainants know of their basic rights before they make their complaints.*

SECRETARY FOR SECURITY (in Cantonese): *Mr President, those who wish to be informed of these procedures can ask the police for access in accordance with the Code of Access to Information. I believe they will definitely be given the relevant information. As far as the details of these special procedures are concerned, the cases involved can be divided into several categories such as battered spouses, juveniles/children or handicapped persons. Therefore, the procedures involved are in fact very lengthy. Of course, I am willing to inform Members of the relevant contents and I can even do it now. However, I will be wasting a lot of time if I do so. For this reason, I would like to present these special procedures in writing for Mr LEUNG's reference.*

PRESIDENT (in Cantonese): *Mr LEUNG Yiu-chung, are you claiming that your question has not been fully answered? Which part?*

MR LEUNG YIU-CHUNG (in Cantonese): *Mr President, a minor part of the question has not been answered, and that is the part related to the special procedures. I would like to ask the Secretary for Security whether it is possible to ensure that the complainants know clearly beforehand these special procedures. For instance, when a person makes his complaint, can the police officers ask him if he is aware of the police procedures as well as his own rights? In so doing, the complainant will be able to have the knowledge before he lodges his complaint.*

SECRETARY FOR SECURITY (in Cantonese): *Mr President, if the victims have any queries as regards the handling procedures of their cases, I believe the police officers at the scene and the police will welcome their enquiries regarding the related handling procedures. In general, as I have pointed out just now, it will take a lot of time if I elaborate on how each type of cases is going to be handled. I do not want to waste our time here; I will present the information to Mr LEUNG in writing for his reference. However, we must bear in mind the underlying principle with regard to the handling of these cases. As far as some people who are helpless or in distress such as battered spouses, juveniles/children or handicapped persons are concerned, they are hurt both physically and mentally at such a sensitive moment. Therefore, our underlying principle must be to meet their needs and help them with more care and sensitivity as far as possible.*

MR ALBERT HO (in Cantonese): *My question is: As the Police Manual has a direct bearing on the public and for the sake of ensuring that the public can really exercise their rights to know, I would like to ask if the police have any intention or plan to enable the public to acquire the Police Manual more easily so that the public can acquaint themselves with the contents in a more comprehensive manner? What I mean is the part which can be made public. I wonder if the Police Manual can be sold through the Government Publications Centres or deposited in libraries or even put on the Internet so that the public can get to know the contents. Can the Secretary for Security reply on behalf of the Police Force?*

SECRETARY FOR SECURITY (in Cantonese): *As a matter of fact, we take the rights to know very seriously. But as we all know, both the Police General Orders and the Force Procedures Manual are quite detailed and thick, containing quite a lot of information. They are not just some 10 pages thick and cannot be reproduced at any time. Therefore, it is impossible for us to distribute them everywhere.*

We are now planning to put a copy of the Police General Orders in each report room for direct access of the public who have such needs.

I am afraid we cannot put them in libraries for the time being as we have only taken our first step by putting them in report rooms. Furthermore, I would like to put forward some comments. As far as Legislative Council Members, academics or commentators are concerned, they will definitely refer to the whole

set of the Police General Orders or the Force Procedures Manual if they wish to make an in-depth study of related problems. However, it is very difficult to tell if we can make the general public exercise their rights to know by giving them complete sets of the voluminous documents. Therefore, we have taken another approach in this respect. In carrying out their daily work, the police will encounter some people. We will sum up the circumstances those people encounter most frequently and have the important information compiled into leaflets and distributed through such places as the police stations. For instance, we will print warning cards about family violence incidents and other kinds of leaflets that can be understood by the public more easily.

MR LAW CHI-KWONG (in Cantonese): *Mr President, part (c) of my original question seeks to ask whether the Government will consider taking the initiative to consult certain groups such as battered spouses and handicapped persons with a view to making appropriate changes to the Police Manual. The Government only states in its reply that it will liaise with and consult the relevant authorities according to the circumstances of the cases. I would like to know whether the Government will take the initiative to consult the people concerned on the contents of the Manual to see if appropriate amendments are needed.*

SECRETARY FOR SECURITY (in Cantonese): *Mr President, as a matter of fact, liaison work does not involve cases only. Some problems, such as those related to family violence and battered spouses, are very complicated. Law enforcing officers alone, or a single government department, are not able to handle all these cases. Sometimes, they also need the co-operation of, for instance, the Social Welfare Department or other relevant non-governmental welfare institutions. In maintaining close liaison and ensuring proper arrangements of co-ordination and referral services, the police, the Social Welfare Department as well as relevant social services organizations have all made great efforts. Apart from this, the police have also sent their representatives to attend meetings held by a number of working groups such as the Working Group on Battered Spouses and the Working Group on Services for Youth at Risk. If members of the public have any comments on the code of conduct or handling practices of the police, they can propose a study through these working groups. I believe the police will be glad to consider their proposals. However, in actual practice, I think it is impossible to meet every youngster, youth at risk and battered spouse. Therefore, the best way is to hold*

consultations through these working groups because these groups are composed of government officers as well as representatives from the outside. This is also a more convenient and speedy way of handling such matters.

MR JAMES TO (in Cantonese): *Mr President, I would like to follow up the Honourable Albert HO's question. Just now the Secretary for Security said in his reply that a copy of the Police General Orders or Force Procedures Manual would be kept in each police station for access by the public.*

I would like to ask the Secretary for Security if he expects that some people in special circumstances, such as the battered spouses, handicapped persons or youth at risk mentioned just now, will sit in the report rooms and read for a couple of hours. I wonder if the Government can act more proactively by considering depositing appropriate parts of the Police Manual in some supporting institutions such as the Harmony House Limited that helps battered spouses, interests clubs for women, rehabilitation institutions for handicapped persons and voluntary organizations that provide social services for youths at risk, as well as sending them directly to the people concerned to enable them to understand the contents.

SECRETARY FOR SECURITY (in Cantonese): *Mr President, I think the aim of depositing the Police General Orders in police stations is not to ask every youth at risk to go to the police stations to read the whole set of the Orders. The original aim of this arrangement is to provide a tool. By putting the document in a certain place, a person can go and look up a certain part of the document, a Member may go to inspect another part, while some other people may probably go through the whole document. Just as I have said earlier, we need to provide those members of the public who have the most frequent contacts with the police with some simple and easily understood information. We will publish some leaflets for distribution to these people. These leaflets will include the Victim's Charter published by the Legal Department, procedures of handling crime victims as well as services provided to witnesses or victims of family violence. We will also publish warning cards for persons victimized in family violence incidents. These leaflets can in fact be distributed to the victims by the police. Nevertheless, I will consider Mr TO's suggestion of distributing the existing leaflets or other leaflets to be published to interested members of the public through the relevant social service organizations.*