

**Hong Kong Human Rights Commission  
Society for Community Organization  
Voices of the Rights of Asylum Seekers and  
Refugees**

**Comments on the Government's outline on the Convention  
Against Torture and Other Cruel, Inhuman or Degrading  
Treatment or Punishment (CAT)**

**Submission to Panel on Security**

**December 2006**

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## **1. Inadequate protection for victims of torture who seek refuge in Hong Kong**

At the moment victims of torture who seek refuge in Hong Kong can both seek protection with the UNHCR under the Refugee Convention and the Immigration Department under the Convention Against Torture.

### No adequate protection under the UNHCR

However, the UNHCR is not subject to review by the government and lacks transparency and fairness. There is currently no refugee status determination system set up by the Hong Kong government to deal with their claims, and the government says that it has no obligation to set up such a system and relies on the United Nations High Commissioner for Refugees to process their claims. However, the UNHCR does not provide adequate protection to asylum seekers and in fact UNHCR only accepted 10% of the asylum seekers as refugees during 2005. This figure is highly disturbing and many asylum seekers are rejected without having access to a fair refugee status determination mechanism.

### No adequate protection under the CAT

As at July 2006, there are about 360 people who are making claims under the Convention Against Torture. The Hong Kong government ignores its obligations to set up a screening procedure to process asylum claims, and has left it to the UNHCR. However, while such claims are being assessed there is no protection against *refoulement* through the UNHCR procedure. Only some protection against *refoulement* is only given to people who make claims of torture at the Immigration Department under the Convention Against Torture (CAT). However yet, the CAT procedure is wrought with problems and offers no adequate protection against deportation.

There is no adequate legal protection against *refoulement*. The procedures under CAT are non-statutory and The Crimes (Torture) Ordinance does not specifically incorporate the principle of non-*refoulement*. Additionally the definition of “torture” is inconsistent with the definition in the Convention Against Torture.

Secondly, the determination procedure only allows two weeks for claimants to make petitions against the determination to the Chief Executive. Two weeks however, is not sufficient time for claimants to make appeals. Even UNHCR allows 1 month to make appeals.

Third, The Bill of Rights (article 9) does not confer a right of review in respect of a decision to deport a person not having the right of abode in Hong Kong or a right to be represented for this purpose before a competent authority.

In addition to the above mentioned problems, in fact most victims of torture are deterred from making a CAT claim at the Immigration Department, since, if they are overstayers, they are usually detained.

### No Legal aid for asylum seekers and torture claimants.

No legal aid is granted to asylum seekers, refugees or torture claimants. This applies both regarding the refugee status determination procedures and the Convention Against Torture (CAT) procedures.

### Detention

Asylum seekers and torture claimants are arbitrarily detained. The Immigration Ordinance does not have specific provisions to protect refugees, and basically treat refugees as regular overstayers. Thus Immigration Ordinance doesn't comply with article 28 and 41 of the Basic Law which protects non-residents against arbitrary or unlawful arrest, detention or imprisonment. Furthermore the Bill of Rights Ordinance (Part III, para. 11) does not cover immigration legislation as regards persons not having the right to enter and remain in Hong Kong.

### Detention conditions

Many asylum seekers and claimants of torture, who have been detained by the Immigration Department or the Correctional Services Department, have complained that they were ill-treated during detention. The same complaints also existed in the detention cells controlled by Correctional Services Department. Reports of sleeping on the floor, bad hygiene arrangements, and punishment for making complaints are common. The government has no culturally sensitive services nor does it seem to provide any kind of training for against racial discrimination.

Secondly, given the fact that torture victims may suffer from post-traumatic-stress-disorder (PTSD) it is highly questionable to detain refugees, especially because the detainees do not receive specialist treatment for PTSD. The medical services only general symptoms and the doctors do not seem to be aware of PTSD symptoms.

### Domestic violence and rape left unreported

The fear of detention results in the fact that female asylum seekers, who are victims of violence or harassment (including sexual and domestic violence) in Hong Kong do not dare to report the case to the police. In 2005, UNHCR received around 5 claims of rape and domestic violence, which occurred in Hong Kong. However, UNHCR reports that the majority of victims, although counseled about the possibility to lodge complaints, choose not to do so mainly for fear of arrest by the police. Thereby asylum seekers are easy targets of rape and domestic violence, and furthermore the perpetrator goes unpunished, and the victims are left without any proper channels for counseling. Lastly, without proper protection the victim may live in continued fear of being further subject to victimization.

Furthermore there are no shelters to which female asylum seekers and refugee victims of violence can safely be sent to and cared for. At the moment the victims are solely dependent on NGOs and UNHCR. NGOs and UNHCR have had to find accommodation for the victims in which they could hide.

The government should immediately protect women asylum seekers against prosecution and provide protection under the law against sexual and domestic violence.

## **2. Torture and false imprisonment Inflicted by Police Officers**

Allegations of using violence like slapping, beatings, and water torture towards suspects are not uncommon among officers. Another classic case is the case of assault cover-up by three plain-cloth police officers. In 21 January 2001, the three police officers, who were stationed with the Yuen Long anti-triad unit at the time of the offence, went to a discotheque where they asked to see the manager. In the course of questioning, the manager complained that he was being assaulted by the police officer. However, the manager was charged with obstructing the police from carrying out their duties on the contrary. Dramatically, as the manager's complaint against the police was supported by a security video of the incident, his charge was dropped and his complaint was found substantiated. In February 2002, the three police veterans were found guilty of fabricating allegations against a discotheque manager to cover up an assault on him by one of the officers and put into jail. However, it is a rare case, as most cases are found unsubstantiated.

Another representative case concerns the false imprisonment. In 2000, a businesswoman was rejected by the bank for her large sum overdraft and claimed to kill herself by fire outside the bank. However, the police arrested her on the ground of suspecting blackmail. In March 2003, the High Court judge ruled that the police was without sufficient ground to establish reasonable suspicion and that the arrest is unlawful. The police was concluded as abusing its power and a false imprisonment was the result. As far as the individual liberty was concerned, the law enforcement agency generally lacked of reasonable care of personal freedom and the presence of a human rights perspective was doubted (High Court Case no: HCA 865/2003).

## **3. Abuse of police power to have "free sex service"**

Worse still, it is not uncommon to see that the police used their lawful power to conduct unlawful activities, which was unreasonably justified by the police general order. According to newspaper reports in 2003, a sex workers' support group named Zi Teng, has accused police officers of abusing prostitutes and seeking free services during operations by the force.

More than 76 complaints was received by the group from March to October 2003 from members who reported being harassed by policemen, some of whom even forced the prostitutes to provided free sex service and extorted money, rather than enforce the law. In addition, according to the survey, covering 150 sex workers, jointly conducted by the organization and the Hong Kong Polytechnic University between December 2000 and March 2001, 18 concerned requests for free services during police operations, three concerned requests for free services in other circumstances, one involved the use of violence, four were of prostitutes being forced to strip during questioning, 33 concerned forcing the prostitutes to move out of vice premises and 17 were related to stopping clients from approaching prostitutes.

Although the spokesman stressed that police officers on anti-vice operations were prohibited from seeking sexual services, a limited level of body contact was acceptable in evidence collection. Worse still, the non-legally binding guideline did

not clearly state what level of body contact was acceptable during a vice operation. Such arrangement has been heavily criticized by the court and the legislature. Letting officers seek oral sex or have sexual intercourse with prostitutes on the ground of collecting evidence should be avoided. Unfortunately, the police force still kept the guideline confidential and no independent monitoring body was established for those sensitive operations.

#### **4. Lack of Independent Complaint Mechanism**

Unfortunately, such unfavorable condition cannot be resolved by the effective complaint mechanism. The complaints against abusive use by the police remained common in the past years and an independent complaint mechanism to investigate the complaints was urged by various sectors of the community. Indeed, the Complaints Against Police Office (CAPO) has long been criticized of lacking credibility because it is a part of the police system. Officers working in CAPO come from the police force and will return to their posts in future, thus their independence and fairness are questionable. In fact, many complaints were dropped due to the lack of evidence.

According to statistics, the number of allegations against the police officers remains steadily high between the year of 2000 and 2004. There were allegations about assault, misconduct and neglect of duty. However, among the few thousand cases of complaints in which assault allegations made up more than one-tenth, less than 5% of the allegations was found substantiated (please refer to Table 1 and Table 2).

Recently, there is a decreasing trend in the number of allegations, which can be explained by the ineffective complaint investigation mechanism. Until now, all the cases investigated by CAPO have to be scrutinized and recorded by the Independent Police Complaints Council (IPCC). But the IPCC is not a statutory organization, so the recommendations are not binding. As in those above-mentioned cases, though IPCC commented that police employed excessive power, and raised a number of suggestions, like asking police “to avoid tactics which may reasonably give rise to the perception that the rights of freedom of expression and of assembly and demonstration are being unnecessarily curtailed”. However, there is no mechanism to ensure the implementation of these recommendations. Although the SAR Government proposed to introduce the Bill of the IPCC and make it as a statutory body, in the absence of the power of investigation, the monitoring mechanism is still handicapped.

**Nature of Allegations Endorsed by the IPCC between the Year 2000 and 2004  
(Table 1)**

|   | <b>2000</b><br><b>(% of total)</b> | <b>2001</b><br><b>(% of total)</b> | <b>2002</b><br><b>(% of total)</b> | <b>2003</b><br><b>(% of total)</b> | <b>2004</b><br><b>(% of total)</b> |
|---|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| <b>A. Assault</b>   | <b>1,182</b><br><b>(19.9)</b>      | <b>926</b><br><b>(15.2)</b>        | <b>802</b><br><b>(12.9)</b>        | <b>714</b><br><b>(11.4)</b>        | <b>776</b><br><b>(13.3)</b>        |
| <b>B. Misconduct / Improper Manner / Offensive Language</b> | <b>2,075</b><br><b>(35.0)</b>      | <b>2,315</b><br><b>(37.9)</b>      | <b>2,414</b><br><b>(38.9)</b>      | <b>2,314</b><br><b>(37.0)</b>      | <b>2,105</b><br><b>(36.1)</b>      |
| <b>C. Neglect of Duty</b>                                   | <b>1,503</b><br><b>(25.3)</b>      | <b>1,741</b><br><b>(28.5)</b>      | <b>1,847</b><br><b>(29.7)</b>      | <b>2,212</b><br><b>(35.3)</b>      | <b>1,983</b><br><b>(34.0)</b>      |
| <b>D. Unnecessary Use of Authority</b>                      | <b>531</b><br><b>(8.9)</b>         | <b>536</b><br><b>(8.8)</b>         | <b>556</b><br><b>(8.9)</b>         | <b>532</b><br><b>(8.5)</b>         | <b>482</b><br><b>(8.3)</b>         |
| <b>E. Fabrication of Evidence</b>                           | <b>328</b><br><b>(5.5)</b>         | <b>309</b><br><b>(5.1)</b>         | <b>277</b><br><b>(4.5)</b>         | <b>230</b><br><b>(3.7)</b>         | <b>243</b><br><b>(4.2)</b>         |
| <b>F. Threat</b>  | <b>249</b><br><b>(4.2)</b>         | <b>195</b><br><b>(3.2)</b>         | <b>251</b><br><b>(4.0)</b>         | <b>204</b><br><b>(3.3)</b>         | <b>197</b><br><b>(3.4)</b>         |
| <b>G. Other Offences</b>                                    | <b>41</b><br><b>(0.7)</b>          | <b>40</b><br><b>(0.7)</b>          | <b>30</b><br><b>(0.5)</b>          | <b>19</b><br><b>(0.3)</b>          | <b>33</b><br><b>(0.6)</b>          |
| <b>H. Police Procedures</b>                                 | <b>25</b><br><b>(0.4)</b>          | <b>41</b><br><b>(0.7)</b>          | <b>36</b><br><b>(0.6)</b>          | <b>37</b><br><b>(0.6)</b>          | <b>18</b><br><b>(0.3)</b>          |
| <b>Total no. of allegations</b>                             | <b>5,934</b><br><b>(100.0)</b>     | <b>6,103</b><br><b>(100.0)</b>     | <b>6,213</b><br><b>(100.0)</b>     | <b>6,262</b><br><b>(100.0)</b>     | <b>5,837</b><br><b>(100.0)</b>     |

**Results of Investigations Endorsed by the IPCC between the Year 2000 and 2004  
(Table 2)**

|   | <b>2000</b><br><b>(% of total)</b> | <b>2001</b><br><b>(% of total)</b> | <b>2002</b><br><b>(% of total)</b> | <b>2003</b><br><b>(% of total)</b> | <b>2004</b><br><b>(% of total)</b> |
|---|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| <b>A. Substantiated / Substantiated Other Than Reported</b> | <b>221</b><br><b>(3.7)</b>         | <b>241</b><br><b>(3.9)</b>         | <b>246</b><br><b>(4.0)</b>         | <b>265</b><br><b>(4.2)</b>         | <b>253</b><br><b>(4.3)</b>         |
| <b>B. Not Fully Substantiated</b>                           | <b>54</b><br><b>(0.9)</b>          | <b>30</b><br><b>(0.5)</b>          | <b>19</b><br><b>(0.3)</b>          | <b>21</b><br><b>(0.3)</b>          | <b>14</b><br><b>(0.2)</b>          |
| <b>C. Unsubstantiated</b>                                   | <b>1,087</b><br><b>(18.3)</b>      | <b>1,123</b><br><b>(18.4)</b>      | <b>986</b><br><b>(15.9)</b>        | <b>1,040</b><br><b>(16.6)</b>      | <b>1,070</b><br><b>(18.3)</b>      |
| <b>D. False</b>   | <b>470</b><br><b>(7.9)</b>         | <b>383</b><br><b>(6.3)</b>         | <b>354</b><br><b>(5.7)</b>         | <b>255</b><br><b>(4.1)</b>         | <b>296</b><br><b>(5.1)</b>         |
| <b>E. No Fault</b>  | <b>374</b><br><b>(6.3)</b>         | <b>478</b><br><b>(7.8)</b>         | <b>397</b><br><b>(6.4)</b>         | <b>395</b><br><b>(6.3)</b>         | <b>410</b><br><b>(7.0)</b>         |
| <b>F. Curtailed</b>   | <b>30</b><br><b>(0.5)</b>          | <b>4</b><br><b>(0.1)</b>           | <b>16</b><br><b>(0.3)</b>          | <b>12</b><br><b>(0.2)</b>          | <b>5</b><br><b>(0.1)</b>           |
| <b>G. Withdrawn / Not Pursuable</b>                         | <b>2,273</b><br><b>(38.3)</b>      | <b>2,353</b><br><b>(38.6)</b>      | <b>2,526</b><br><b>(40.7)</b>      | <b>2,735</b><br><b>(43.7)</b>      | <b>2,570</b><br><b>(44.0)</b>      |
| <b>H. Informal Resolution</b>                               | <b>1,425</b><br><b>(24.0)</b>      | <b>1,491</b><br><b>(24.4)</b>      | <b>1,669</b><br><b>(26.9)</b>      | <b>1,539</b><br><b>(24.6)</b>      | <b>1,219</b><br><b>(20.9)</b>      |
| <b>Total no. of allegations</b>                             | <b>5,934</b><br><b>(100.0)</b>     | <b>6,103</b><br><b>(100.0)</b>     | <b>6,213</b><br><b>(100.0)</b>     | <b>6,262</b><br><b>(100.0)</b>     | <b>5,837</b><br><b>(100.0)</b>     |

Worse still, other law enforcement agencies, including the Immigration Department, Correctional Services Department, Customs and Excise Department as well as Independent Commission Against Corruption did not establish an independent body for handling complaints against public officials.

## **5. Hong Kong Residents being detained on Mainland China**

According to official statistics, there are more than 244,000 Hong Kong residents who has been staying at the Mainland for work or living, and near to 300,000 residents of the entire population were continuously staying at the Mainland for at least over a month for the reason of working, studying, traveling as well as retirement. Many of the Hong Kong residents faced legal problems and have been illegally detained by the law enforcement agency of the mainland authority.

It is crystal clear that this matter is only a commercial dispute between the Hong Kong employers and the mainland partners. The employees are innocent. However, the situation of our detained family members becomes more complicated because the Chinese Police are involved in these commercial disputes.

The problem of Hong Kong residents detained on Mainland China has shown no signs of improvement since 1997 and has come to center stage after the change of sovereignty. After tremendous social pressure, the SAR Government established a notification system<sup>1</sup> with the Mainland authority in January 2001. Since its establishment more than 2,520 Hong Kong residents were under compulsory detention measure on the Mainland with more than 2,722 times of notification. However, the system merely notifies the detainee's relatives about the time, place and reason of the detention. According to official statistics, near to 30% of the cases of detention were not notified on time to the relatives in Hong Kong<sup>2</sup> and some cases even complained that they never received any notification from the SAR Government.

In fact, the system is better than none but the government assistance remains meager and insufficient. The Hong Kong SAR Government merely sent letters to the Public Security Bureau or People's Procuratorates of the respective province while the authorities did not make any reply. No legal assistance is provided and no visit will be arranged for the detainee's families. Many detainees are still illegally detained for several years without a fair trial. Moreover, many released detainees still face many problems such as claiming back their detained properties or bail.

The justification of the Government is based on the "One country, two systems" principle. It argues that it is inappropriate for the SAR Government to interfere the legal system of the mainland authority. However, it is an excuse for getting rid of the obligation to safeguard the basic human rights protection of the Hong Kong citizens in accordance with legal provision of the Mainland China.

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<sup>1</sup> Notification system is a system that both authorities would notify each other when the residents are detained by another authority.

<sup>2</sup> Minutes for the Meeting of the Panel on Security, Legislative Council (July 8 2003)  
(<http://www.legco.gov.hk/yr02-03/chinese/panels/se/minutes/se030708.pdf>)

## **5.1 Cases showing long period of unlawful detention without a fair trial**

Most of the Hong Kong residents detained at the Mainland China faced the problem of long time of detention. Mr. Kwong Ching-yuen, 56, a Hong Kong businessman, a peanut exporter, was detained because of suspected corrupt officials in Henan for almost four years, although the court had already ruled her not guilty twice.

Another case was about the torture of Hong Kong detainees. Ng Kwong-ming, 42, a local printing worker, together with two mainlanders, were detained at Shaoguan and three are accused of cheating a mainland official during playing card games in Macau in 2003. In the course of detention, he was paralyzed after being beaten and forced to sign letters of confession. The detainees were also received different kinds of torture as punishment from the mainland officials. Furthermore the families were also asked by public security officers to hand in the “bail” money for 150,000 yuan (USD 19,355) to 3 million yuan (USD 387,100).

The most serious case was the Hong Kong resident who has been detained for 4 years and 4 months since October 2001. Mr. Chan Tze-cheung, 59, has been held in a Shenzhen and Guangzhou detention center since 2001 for deception on request by the two mainland companies. In 2001, the mainland public security officers had requested the family relatives to pay back 14 million dollars (USD1,820,000) for releasing Mr. Chan. He was charged after 16-months’ detention while the court ruled that it did not have jurisdiction over the case. In November 2004, the Shenzhen Intermediate People’s Court further refused against the case on the reason that the detainee was not living in China and the suspected criminal act was not committed in China. But he remains in detention. The appeal letter had been sent to the People’s Supreme Court of the Mainland China in April 2005 but there has not yet been any reply.

## **5.2 Lack of legal aid and legal assistance**

Apart from the problem of long detention, the detainees also suffered from inhuman treatment, as they do not receive any medical treatment although the detainees have serious health problems. Every month, the families need to pay more than US\$100 to the Chinese police in order to provide food and drink. Moreover, due to the lack of financial resources, many clients have difficulty to employ a legal representative, which meant that the accused could not exercise their rights appropriately in the course of trial.

## **6. Reinterpretation of Basic Law taking away of mainland children’s right of abode in Hong Kong**

After the change of sovereignty, the mainland children of Hong Kong permanent residents should enjoy right of abode in Hong Kong according to Basic Law. However, the Hong Kong government not only did not facilitate the children to settle in Hong Kong earlier to exercise their right, but also denied the right of those children who were born before one of their parents became Hong Kong permanent residents.

When the families lodged lawsuit to the court and won the case, the Hong Kong

Government asked the Standing Committee of NPC to interpret two provisions of the Basic Law (article 24(2)(3)) relevant to the part of the CFA's right of abode ruling in June 1999. The purpose was to deny right of abode of mainland-born children born before at least one parent had become a HK permanent resident and requiring mainland-born children to first obtain documents issued by the HK Government (COE) and PRC Government (One-Way Exit Permit) before they can formally get their right of abode. It deprives people of the right of abode and right to family unity.

Most mainland-born children of HK residents who benefit from the January 29 verdict were forced to return across the border and apply for residency in HK in the previous way. But many of them have applied the One-Way Exit Permit for more than 10 to 20 years but failed because of the forever changing mainland policy, which means there is no workable and reasonable mechanism for them to get the right of abode through the existing policy and thus unable to reunite with their parents.

### **6.1 Lack of mechanism to adjust the distribution of family reunion quota**

In 2004, the 150 daily quotas were not fully utilized because there is no mechanism to adjust the distribution of the quotas. Fewer children applied for right of abode in 2004. But the quota vacancies did not redistribute to spouse or other needy children. The spouses are found to wait for average 7 years or some of them nearly 10 years. The children lack care in Hong Kong. Lastly children in the Mainland China, whose right of abode was taken away by the reinterpretation, have no quota to apply for family reunion because of erroneous policy.

### **6.2 Detrimental effects of long-term separation**

We are concerned about the detrimental effects of long-term separation on the affected families. Not only marital relationship suffers, but also children's normal development is seriously affected due to deprivation of parental care and nurture. Mothers are often imbued with a sense of guilt that they cannot fulfill their roles as wife and mother while their young children's physical and psychological development are adversely hampered by the prolonged separation.

### **6.3 Lack of cooperating and coordinating mechanism**

We are disappointed that both the HKSAR Government and the Chinese Government still overlook the problems of the One-way Entry Permit system after the change of sovereignty. We are alarmed at the lack of joint cooperating and coordinating mechanism between the two Governments to improve the existing system.

## **Recommendations:**

1. The Hong Kong government should immediately sign the Convention Relating to the Status of Refugees and formulate a coherent and comprehensive asylum policy to deal with aspects of immigration, refugee status determination, food, accommodation, education and health.
2. The government should set up a fair screening procedure to assess claims under the Convention Relating to the Status of Refugees
3. Amend the Immigration Ordinance so that asylum seekers and refugees are not liable to be detained for overstaying or not possessing valid travel documents.
4. Legal aid should be available for the screening procedures under the Refugee Convention and the Convention Against Torture.
5. It is urged that the Hong Kong SAR Government establishes an independent police complaint mechanism, which is not only embedded with the power of observation, but also the power of investigation to every allegation.
6. It is urged that the Hong Kong SAR Government and the Law Reform Commission should review the Summary Offences Ordinance regularly in order to prevent it from being abused or used to forbid demonstrations and public assemblies from taking place in public space.
7. It is urged that the Hong Kong SAR Government should amend the Police Force Ordinance immediately to define more clearly the power and authority of the police in overseeing demonstrations and public assemblies.
8. It is urged that the Hong Kong SAR Government should make the Police General Order, which is drawn up by the police and presently has no legal bidding effect, a statutory document subject to regular reviews and revisions by the Legislative Council.
9. It is urged that the Hong Kong SAR Government should introduce long delayed improvement measures suggested by the Law Reform Commission on the report of arrest in 1992. Suggestions like equipping every police station with cameras so that suspects are questioned under video; introduce the concept of crime with imprisonment as a minimum requirement for arrestable offences and; introduce a statutory time limit for detention by the police authority before sentenced so as to strengthen the statutory control towards the police power.
10. It is urged that the Hong Kong SAR Government should review the overall monitoring mechanism of each law enforcement agency and an independent complaint body embedded with investigation power to handle those complaints.
11. In order to strengthen the legal protection of Hong Kong residents in the Mainland China, it is urged that the Hong Kong SAR Government should reform the existing notification system. Apart from notifying the detainees' relatives in Hong

Kong within the statutory time limit, a case-management mechanism should be established for monitoring the progress of each case of detention to observe whether the case handled comply with the legal provision in China.

12. It is urged that the Hong Kong SAR Government should establish a cross-border legal aid service for Hong Kong residents who undergo either criminal or civil litigations in the Mainland China.
13. It is urged that the Hong Kong SAR Government should enlarge the functions of its offices established at different provinces of the Mainland China. Those offices can closely follow-up those cases of detention by providing handling complaints concerning detention, rendering legal consultation, as well as paying visits to the detainees.
14. It is urged that the Hong Kong SAR Government should actively report the unlawful treatment of the detainees by the public security officials and request the mainland authority to supervise the law enforcement agency strictly comply with the law.