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14 December 2007

Mrs Sharon Tong
Clerk to Panel on Security
Legislative Council
3/F Citibank Tower
3 Garden Road
Central
HONG KONG

Dear Mrs Tong,

Panel on Security

Police's Practices Regarding Handling of Searches of Detainees

At the meeting of the LegCo Panel on Security (the Panel) held on 4 December 2007, Members requested the Administration to provide supplementary information in a number of areas, pursuant to the Panel's discussion of the Police's practices regarding searches of detainees. We would like to update Members on, inter alia, the following –

- (a) Details of the complaint cases concerning the conduct of body searches by police officers involving the removal of clothing worn next to the skin that had been received by the Complaints Against Police Office (CAPO) in the past three years

2. Of the 26 complaint cases in question, seven are under investigation by the CAPO and investigation results of ten are being examined by the Independent Police Complaints Council (IPCC). Of the remaining nine cases endorsed by the IPCC, four were withdrawn, two were found unsubstantiated, two substantiated but for matters other than reported (i.e. matters not related to the original complaints including body searches) and one case was settled under the established informal resolution procedures.

(b) Progress of the complaint to the CAPO made by Miss Lee Yuen-yee's family and the incident concerning the use of the Temporary Holding Area in Tsim Sha Tsui Police Station on 14 June 2005

3. On the complaint made by Miss Lee's family, the CAPO has completed the investigation in November 2006 and submitted the case report to the IPCC. The IPCC is considering the report. The complainants are updated on the progress of their complaint in accordance with the CAPO's established practice.

4. On the incident concerning the use of the Temporary Holding Area in Tsim Sha Tsui Police Station in June 2005, the CAPO did not receive any formal complaint by any aggrieved party. That said, the Police have reviewed the related detention facilities and procedures and decided to cease the use of the Temporary Holding Area in the Tsim Sha Tsui Police Station.

5. We will provide information regarding the other areas that the Panel has asked about when the information is available.

6. We would wish to inform Members that having regard to the views and concerns raised by Members at the two Panel meetings on 30 October and 4 December 2007, the Police have undertaken to conduct a review of their existing practices regarding the handling of searches of detainees. The review will be conducted in two stages –

Stage one : Notwithstanding the hearing of the Lee Tung Street court case scheduled for July 2008, the Police will in the first instance review what immediate improvement measures they can implement in the interim without jeopardizing the court proceedings. The Police plan to complete this in three months and will inform the Panel of their findings accordingly.

Stage two : Upon the conclusion of legal proceedings in respect of the court case above, the Police will consider whether additional measures are warranted to further improve on the handling of searches of detainees.

The Police will consider how best to address the duty of care to a person to be detained and their responsibility to protect the dignity of the person to be searched. The Police will revert to the Panel on the outcome of the review.

7. The Police Force would also wish to take the opportunity to reiterate their appeal to persons involved in the Lee Tung Street incident to provide detailed information to the Force to facilitate their proper and comprehensive investigation into the case.

8. I should be most grateful if you would help bring the above to the attention of Members.

Yours sincerely,



(Ms CHANG King-yiu)
for Secretary for Security