

立法會
Legislative Council

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Panel on Security

**Subcommittee on
Police's Handling of Sex Workers and Searches of Detainees**

**Minutes of meeting
held on Tuesday, 31 March 2009, at 4:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
- Member attending** : Hon Cyd HO Sau-lan
- Member absent** : Hon Albert HO Chun-yan
- Public Officers attending** : Item I
Mrs Apollonia LIU
Principal Assistant Secretary for Security

Ms Emily MO
Assistant Secretary for Security

Mr Austin KERRIGAN
Assistant Commissioner of Police (Support)

Mr NG Sai-kuen
Chief Superintendent of Police (Crime HQ) (Crime Wing)

Mr Eddy SIT
Superintendent of Police (General) (Support Branch) (Acting)

Mr Eddy TONG
Chief Inspector, Crime HQ(1) (HQ Group) (Crime Wing)

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Miss Josephine SO
Senior Council Secretary (2) 1

I. Meeting with the Administration

The Subcommittee deliberated (index of proceedings attached at Annex).

2. The Subcommittee requested the Administration to -
- (a) provide information on the number of undercover operations against organized prostitution activities which resulted in successful prosecution in the previous year;
 - (b) explain, quoting relevant court cases and organizing a closed door briefing if necessary, the need for the Police to undertake undercover operations against vice activities;
 - (c) consider establishing a licensing or registration system to regulate vice activities and one sex worker apartments so as to minimize the need for enforcement actions against sex workers who were not controlled by organized crime groups;
 - (d) consider enhancing the existing police complaint system, with a view to ensuring the confidentiality of complaints from sex workers and preventing possible tipping off of officers who were the subject of complaint;

- (e) consider providing statistics on cases in which Police officers were authorized to receive masturbation service during undercover operations against vice activities to the Panel on Security on a regular basis;
- (f) consider further tightening the control over officers undertaking undercover operations against vice activities, such as establishing an in-house monitoring mechanism, and to consider ways to better monitor the conduct of undercover operations;
- (g) consider employing other means of enforcement, such as interception of communications or covert surveillance, to combat vice establishment activities;
- (h) gather information from other jurisdictions, such as Miami of Florida in the United States and London in the United Kingdom, on the practice of their law enforcement agencies in conducting undercover anti-vice operations;
- (i) provide information on the number of Level III searches conducted on detainees involving full removal of underwear and the nature of offences involved in these searches to the Panel on Security on a regular basis;
- (j) provide information on the number of searches involving full removal of underwear conducted by the Police on persons other than detainees inside Police stations;
- (k) consider requesting all law enforcement agencies to adopt the Police's practices on the searching of detained persons in conducting body searches;
- (l) consider the suggestion to appoint a higher ranking officer, such as the most senior ranking officer in a Police station, as the authorizing officer for searches involving full removal of underwear during office hours; and
- (m) to follow up the allegations made in the submission from Zi Teng.

3. Members agreed that the Subcommittee should write to the Coroner to apply for a copy of the Coroner's findings in respect of the inquest held into the death of Ms LI Yuen-yi.

II. Date of next meeting

4. The Subcommittee agreed that the Clerk would schedule the next meeting in consultation with the Chairman.
5. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
30 April 2009

**Proceedings of meeting of the
Subcommittee on Police's Handling of Sex Workers and Searches of Detainees
on Tuesday, 31 March 2009, at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action Required
000000 - 001033	Chairman	Opening remarks	
001034 - 002931	Admin Chairman Hon LAU Kong-wah Hon Cyd HO	<p>Administration's response to issues raised by members at the Subcommittee meeting on 4 February 2009 (LC Paper No. CB(2)1169/08-09(01))</p> <p>Advised that the Police had conducted 716 Level III custody searches involving "full removal of underwear" from January to February 2009; the figure for March 2009 as at 30 March 2009 was 152</p> <p>Findings of the study on the use of advanced technology and devices to assist Police officers in the conduct of custody searches (Paragraph 17 and Annex C to LC Paper No. CB(2)1169/08-09(01))</p> <p>Police's investigation report in respect of the complaint case concerning Ms LI Yuen-yi and the findings of the Coroner's inquest held into the death of Ms LI (Paragraphs 18 to 23 and Annex D to LC Paper No. CB(2)1169/08-09(01))</p> <p>Police's criteria for overnight detention of arrested persons (Paragraphs 24 and 25 of LC Paper No. CB(2)1169/08-09(01))</p> <p>The Subcommittee's suggestion that the Independent Police Complaints Council should conduct, on a random basis, reviews on the compliance of search procedures by Police officers (Paragraphs 26 and 27 to LC Paper No. CB(2)1169/08-09(01))</p>	

Time Marker	Speaker(s)	Subject(s)	Action Required
002932 - 003619	Chairman Admin	Briefing on the Administration's paper on anti-vice operations conducted by law enforcement agencies (LEAs) in overseas jurisdictions (LC Paper No. CB(2)1205/08-09(01))	
003620 - 005411	Hon LAU Kong-wah Chairman Admin Hon WONG Yuk-man	<p>Whether it was necessary for undercover agents to receive sexual services in order to gather sufficient evidence for vice-related offences under investigation; whether it was the only possible way to prove a case and bring criminals (i.e. persons controlling sex workers or operating vice establishments) to justice; other means of enforcement to combat organized and large-scale prostitution activities</p> <p>The practice of LEAs in Montreal, Canada to engage external "special agents" to patronize the sex workers; the merits and drawbacks of adopting such a practice</p> <p>Advised that there was operational need for the Police to conduct covert operations in order to collect the necessary evidence for initiating prosecution action against vice-operators. The Police had drawn up stringent regulatory measures and guidelines for such operations, which should be considered as the last resort in case other means of enforcement had been exhausted and considered ineffective</p>	
005412 - 010334	Hon WONG Yuk-man Chairman Admin	<p>Questioned the need for undercover agents to receive sexual service, such as masturbation, during undercover anti-vice operations having regard to overseas experience</p> <p>Emphasized that the Police's undercover anti-vice operations were targetted at persons controlling sex workers and those operating vice establishments. It is not necessary for the Police officers to receive</p>	

Time Marker	Speaker(s)	Subject(s)	Action Required
		sexual service during all undercover anti-vice operations	
010335 - 011729	Hon Emily LAU Admin Hon WONG Yuk-man Chairman	<p>Expressed grave concern about the allegations made by Zi Teng in its submission (LC Paper No. CB(2)1212/08-09(01)); hoped that Zi Teng could provide further details and requested that the Administration should investigate into the allegations raised by Zi Teng</p> <p>Sought information on the number of undercover operations against organized prostitution activities which resulted in successful prosecution in the previous year</p> <p>Assured members that the Force was fully committed to upholding a high standard of conduct and discipline among all officers. The Complaints Against Police Office handled reports or complaints in a prudent and impartial manner. Substantiated complaint cases would result in disciplinary actions</p> <p>The Police received 610, 953 and 115 complaints respectively in 2007, 2008 and the first two months of 2009 about prostitution activities causing nuisance to the neighbourhood</p>	<p>Admin to take follow-up action (paragraph 2(m) of the minutes refers)</p> <p>Admin to provide the requested information (paragraph 2(a) of the minutes refers)</p>
011730 - 012822	Hon Cyd HO Chairman Admin	<p>Queried the need for undercover agents to receive sexual service during undercover anti-vice operations</p> <p>Considered that the Administration should explain by quoting relevant court cases at a closed door briefing the need for the Police to undertake undercover operations against vice activities</p> <p>Suggested that the Administration should consider establishing a licensing or registration system to regulate vice activities and one sex worker apartments so as to minimize</p>	<p>Admin to consider the suggestion (paragraph 2(b) of the minutes refers)</p> <p>Admin to consider the suggestion (paragraph 2(c) of the minutes refers)</p>

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>the need for enforcement actions against sex workers who were not controlled by organized crime groups</p> <p>Considered that the existing police complaint system should be enhanced, so as to ensure the confidentiality of complaints from sex workers and to prevent possible tipping off of officers who were the subject of complaints</p>	<p>Admin to consider the suggestion (paragraph 2(d) of the minutes refers)</p>
012823 - 012957	Dr Hon Philip WONG Admin Chairman	Sought information on the number of cases in which the Police had brought criminals engaged in vice activities to justice by conducting undercover operations	<p>Admin to provide the requested information (paragraph 2(a) of the minutes refers)</p>
012958 - 013216	Hon Audrey EU Chairman Admin	Considered that past cases which had been brought to court and proved by the prosecution as having elements of crime, e.g. organized prostitution activities, on the strength of evidence obtained during undercover operations could be discussed at open meetings of the Subcommittee	
013217 - 014351	Chairman Admin	<p>Requested that the Administration should consider providing statistics on cases in which Police officers were authorized to receive masturbation service during undercover operations against vice activities to the Panel on Security on a regular basis</p> <p>Suggested that the Police should consider further tightening the control over officers undertaking undercover operations against vice activities, such as establishing an in-house monitoring mechanism. The Police should consider launching undercover operations to better monitor the conduct of undercover operations</p> <p>Possibility of employing other means of enforcement, such as interception of communications or covert surveillance, to combat vice establishment activities</p>	<p>Admin to consider the suggestion (paragraph 2(e) of the minutes refers)</p> <p>Admin to consider the suggestion (paragraph 2(f) of the minutes refers)</p> <p>Admin to provide a written response (paragraph 2(g) of the minutes refers)</p>

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>Whether the Administration had made reference to the practice/experience of other jurisdictions, such as Miami of Florida in the United States and London in the United Kingdom, in reviewing the need for undercover agents to receive sexual service during undercover anti-vice operations</p> <p>The practice of LEAs in Montreal, Canada to engage external "special agents" to patronize the sex workers; the merits and drawbacks of adopting such a practice</p>	<p>Admin to provide the requested information (paragraph 2(h) of the minutes refers)</p>
<p>014352 - 015642</p>	<p>Hon Emily LAU Chairman Admin</p>	<p>Considered the number of Level III searches involving full removal of underwear conducted on detainees in the first three months of 2009 (i.e. 868) far too high; reiterated that such kind of searches should only be conducted in very restrictive circumstances with strong justification</p> <p>Whether the introduction of the use of equipment/device could assist Police officers in the conduct of searches and helped reduce the number of searches involving full removal of underwear conducted on detainees</p> <p>Annex A to the Administration's paper LC Paper No. CB(2)1169/08-09(01)</p> <p>Requested the Administration to provide information on the number of Level III searches conducted on detainees involving full removal of underwear and the nature of offences involved in these searches to the Panel on Security on a regular basis</p> <p>Reasons why handheld metal detectors could not preclude the need for conducting searches which involved complete removal of clothing (Annex C to LC Paper No. CB(2)1169/08-09(01))</p>	<p>Admin to provide the requested information on a regular basis (paragraph 2(i) of the minutes refers)</p>

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		<p>The Police conducted a total of 7 382 Level I/II/III custody searches in March 2009 (as at 30 March 2009), 152 of which were Level III searches, representing only 2.1% of all the searches conducted. The Police would continue to closely monitor the actual situation of Police officers' conducting searches involving full removal of underwear on detainees</p> <p>Emphasized that under the new arrangements for the searches of detainees, a search involving removal of underwear should not be conducted as a matter of routine, but only in circumstances with strong justification</p> <p>Noted that the Correctional Services Department (CSD) was exploring the feasibility of using radiographic equipment such as body scanner to reduce manual searches on body orifice; suggested that the Police should obtain information from CSD regarding the use of advanced technology and devices that might assist in custody search</p> <p>Advised that the Police would continue to explore the adoption of suitable technology/technical aids that might provide practical assistance in conducting a custody search</p>	
015643 - 020151	Chairman Admin Hon Emily LAU	<p>Whether the number of Level III searches involving full removal of underwear provided by the Administration included the number of searches involving full removal of underwear conducted inside Police stations on arrested persons who had not been put in temporary holding areas or cells</p> <p>Sought information on the number of searches involving full removal of underwear conducted by the Police on persons other than detainees inside Police stations in the previous year</p>	Admin to provide the requested information (paragraph 2(j) of the minutes refers)

Time Marker	Speaker(s)	Subject(s)	Action Required
020152 - 020221	Hon Cyd HO Chairman	Agreed that the Subcommittee should schedule a meeting to continue discussion on the Police's investigation report in respect of the complaint case concerning Ms LI Yuen-yi and the internal review conducted by the Police regarding the Lee Tung Street incident	
020222 - 020313	Hon Emily LAU	Considered that the Police's practices on the searching of detained persons should be widely adopted by LEAs in conducting body searches	Admin to provide a response (paragraph 2(k) of the minutes refers)
020314 - 020513	Chairman	Reiterated his stance that the authorizing officer for searches involving full removal of underwear should not be a Duty Officer but a higher ranking Police officer/the most senior ranking officer in a Police station; the Administration to consider the viability to appoint a higher ranking officer to authorize searches involving full removal of underwear during office hours	Admin to consider the suggestion (paragraph 2(l) of the minutes refers)
020514 - 020651	Chairman Hon Emily LAU SALA1	Agreed that the Subcommittee should apply to the Coroner for a copy of the transcript/Coroner's findings in respect of the inquest held into the death of Ms LI Yuen-yi Date of next meeting	