

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 Thursday, 8 October 2009, at 10:45 am
in Conference Room B of the Legislative Council Building**

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

Mrs Millie NG
Principal Assistant Secretary for Security

Ms Emily MO
Assistant Secretary for Security

Mr Austin KERRIGAN
Assistant Commissioner of Police (Support)

Mr Alan YU
Chief Superintendent of Police (Support Branch) (Support Wing)

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

Mr Matthew Darron LINDSAY
Superintendent of Police (General) (Support Branch)

Mr Eddy SIT
Chief Inspector, Custody Management and Detention (Support)

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 : Ms Connie FUNG
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**).

Follow-up action to be taken by the Administration

2. Regarding the technical devices, other than handheld metal detectors, which could be considered technically suitable for assisting Police officers in the conduct of custody searches, the Administration was requested to -

- (a) provide information on the specifications of the equipment examined by the Police;
- (b) explain why the devices which had been examined by the Police failed to meet its requirement; and
- (c) advise whether the problems were related to the technical aspect of the equipment, such as sensitivity, and the cost involved.

Way forward

3. Members agreed that the Subcommittee could conclude its work after holding one more meeting before 9 December 2009 to discuss the remaining issue concerning the deployment of technical aids/equipment in custody searches.

4. The Chairman said that a draft report would be prepared for submission to the Panel on Security, having regard to issues studied/discussed by the Subcommittee at previous meetings. The draft report would be circulated to members for consideration once available.

II. Date of next meeting

5. The Subcommittee agreed that the Clerk would liaise with the Administration for provision of the information as referred to in paragraph 2 above and schedule the next meeting in consultation with the Chairman.

6. The meeting ended at 11:45 am.

Council Business Division 2
Legislative Council Secretariat
30 October 2009

**Proceedings of meeting of the
Subcommittee on Police's Handling of Sex Workers and Searches of Detainees
on Thursday, 8 October 2009, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action Required
000000 - 000410	Chairman	Opening remarks	
000411 - 000906	Admin	<p>Briefing on the Administration's response to issues raised by members at the Subcommittee meeting held on 24 June 2009 and the visit to the Western Police Station on 23 July 2009 (LC Paper No. CB(2)2420/08-09(01))</p> <p>Number of Level III(c) searches involving full removal of underwear conducted on detainees from 1 June to 30 September 2009 and the nature of offences involved (LC Paper No. CB(2)2584/08-09(01))</p> <p>Taking into account comments and suggestions made by the Panel on Security and the Subcommittee on Police's Handling of Sex Workers and Searches of Detainees, the Police implemented new arrangements and procedures for the handling of searches of detainees from 1 July 2008. These improvement measures included fine-tuning the Guidelines on the Searching of Detained Persons, improvements to the Communal Information System (CIS) for better recording details of the custody searches as well as introduction of the custody search form (Pol. 1123), enhancing the supervision of custody searches, in particular searches involving full removal of underwear (i.e. Level III(c) searches), and the use of handheld metal detectors to assist Police officers in the conduct of custody searches</p>	
000907 - 001835	Hon Cyd HO Chairman Admin	<p>Paragraph 3 of the Administration's response to issues raised by members at the closed-door briefing on 2 September 2009 (LC Paper No. CB(2)2585/08-09(01)) - whether the list of seized properties of an arrested person included any underpants</p> <p>Ms Cyd HO expressed concern that there were allegations that body searches were conducted on members of the public in</p>	

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		<p>places outside the Police stations. She asked whether the Police had any guidelines on carrying out searches of suspects on streets or places outside the Police stations</p> <p>The Administration advised that operational searches should only be conducted in accordance with the power vested in the Police under various legislations, such as searching of dangerous drug under the Dangerous Drugs Ordinance (Cap. 134), and a person being searched would be informed of the reason of the search. In carrying out operational searches, the Police would follow the overriding principles set out in the Guidelines on the Searching of Detained Persons. This type of search should be conducted only upon the direction of an officer of or above the rank of Sergeant who should record the details of the incident in CIS or his Police notebook. Every search should be recorded in the notebook of the officer who conducts the search and the information would also be recorded in the Police computer system so that the information could be retrieved in the future.</p>	
001836 - 002924	Hon Emily LAU Admin Chairman	<p>Number of Level III(c) searches involving full removal of underwear conducted on detainees from 1 June to 30 September 2009 and the nature of offences involved (LC Paper No. CB(2)2584/08-09(01))</p> <p>Number of complaints from members of the public regarding the Police's new arrangements for the handling of searches of detainees implemented from 1 July 2008 (paragraph 5 of LC Paper No. CB(2)2420/08-09(01))</p> <p>Number of Level III(c) searches resulted in concealed articles being discovered (paragraph 8 of LC Paper No. CB(2)2420/08-09(01))</p> <p>Hon Emily LAU said that she was glad to note that officers' awareness of human rights obligation when handling detainees had been raised. She also hoped that the Police would continue to enhance the liaison and communication with sex workers and their</p>	

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		<p>concern groups</p> <p>The Administration's response -</p> <p>(a) the Police had all along been liaising with the sex workers concern groups to enhance communication, including the most recent meeting on 17 September 2009;</p> <p>(b) the Police would not take enforcement action against sex workers unless they were involved in organized prostitution activities, or they were visitors or underage persons. This message was clearly conveyed to the sex workers concern groups during their previous meetings with the Police.</p> <p>(c) the allegations made in the submission of Zi Teng dated 23 June 2009 were actively followed up by the Complaint Against Police Office. No further complaints from sex workers had been received in recent months about possible abuse of power by Police officers in the course of taking enforcement actions against sex workers working in one sex worker apartments; and</p> <p>(d) to fulfill the Police's statutory functions and its obligation of duty of care to detainees and to ensure the safety of others who might come into contact with the detainees, it was necessary for the Police to search the detainees</p>	
002925 - 003646	Hon LAU Kong-wah Admin Chairman	The latest position of the feasibility study/ research conducted by the Police to identify suitable technical aids/devices that could be used in conducting custody searches; the outcome of a trial scheme conducted from 1 October 2008 to 31 December 2008; the decision to apply a handheld metal detector to a detainee as a standard step prior to every custody search with effect from 1 January 2009; the study on the feasibility of deploying radiographic backscatter scanner or millimeter wave scanner for conducting custody searches	

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		<p>The Administration advised that the Police had been actively exploring the use of advanced technology and devices to assist Police officers in the conduct of custody searches, with a view to minimizing the need for searches involving a higher level of intrusiveness. However, the Police had not yet identified any equipment, the technical capability of which could meet the operational requirement to detect all sorts of items/articles concealed in the body, along with other relevant considerations such as costs and practicability</p> <p>Mr LAU Kong-wah considered that the progress of the study on the use of advanced technology and devices to assist Police officers in the conduct of searches was not satisfactory. He called on the Administration to step up its efforts in this regard</p> <p>The Administration advised that the Police had all along maintained close liaison with the Correctional Services Department, so as to coordinate the efforts of the two law enforcement agencies in the search for suitable equipment for conducting body searches</p>	
003647 - 004217	Hon WONG Yuk-man Hon LAU Kong-wah Chairman	<p>Expressed deep concern about the slow progress of the study undertaken by the Police on the use of equipment in the conduct of searches</p> <p>Considered it important to put in place a mechanism and measures for monitoring Police officers undertaking undercover operations against vice activities</p>	
004218 - 004717	Dr Hon Philip WONG Chairman Hon LAU Kong-wah Admin	<p>Dr Philip WONG shared the concern about the slow progress made in identifying suitable equipment to assist Police officers in the conduct of searches. Referring to the equipment used for security checks at the Hong Kong International Airport, he suggested that the Police should draw reference from the successful experience of the Hong Kong Airport Authority as well as that of overseas countries</p>	

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		<p>Whether cost was a major concern in the procurement of equipment to assist Police officers in the conduct of searches</p> <p>The Chairman sought information on -</p> <ul style="list-style-type: none">(a) the specifications of the equipment examined by the Police;(b) the reasons why the devices which had been examined by the Police failed to meet its requirement; and(c) whether the problems were related to the technical aspect of the equipment, such as sensitivity, and the cost involved	<p>Admin to provide the requested information (paragraph 2 of the minutes refers)</p>
004718 - 005344	Chairman Dr Hon Philip WONG Hon Cyd HO Admin	<p>Discussion on the way forward; whether the Subcommittee could conclude its work; House Rule 26(c)</p> <p>Members agreed that the Subcommittee could conclude its work; members agreed to hold one more meeting before 9 December 2009 to discuss the remaining issue concerning the deployment of technical aids/ equipment in custody searches</p> <p>Preparation of the Subcommittee's report for submission to the Panel on Security</p>	