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21 May 2009

Mr Raymond Lam
Clerk to Subcommittee on Police's Handling of
Sex Workers and Searches of Detainees
Legislative Council
3rd Floor, Citibank Tower
3 Garden Road
Central
Hong Kong

Dear Mr Lam,

Follow Up to the Subcommittee Meeting held on 27 April 2009

Thank you for your letter of 14 May 2009. We set out below our response to the issues raised by Members of the Subcommittee at the meeting held on 27 April 2009.

(a), (b) and (c) Reasons for and the scope of the searches conducted on the 15 protesters arrested in the Lee Tung Street incident and provision of the report on the internal review conducted by the Police regarding the incident

2. The Police have conducted an internal review on the handling of searches conducted on the arrestees involved in the Lee Tung Street incident during their detention at North Point Police Station. The review was carried out based on statements provided by the officers involved in the handling of the detainees and media reports quoting the allegations made by some of the detainees against the Police. A thorough

investigation could only be carried out with willingness of the detainees to provide information.

3. The review found that the searches were carried out to ensure that the Police could fulfil the duty of care to persons detained in custody and ensure the safety of others who might come into contact with the detainees. The review concluded that actions taken by the police officers involved in the handling of the arrestees were in line with the Force procedures in place at that time. The Police briefed Members on the findings of the internal review at a closed-door meeting held on 12 May 2009.

4. Since 1 July 2008, the Police have introduced enhanced procedures for the search of detained persons and details were explained to the Subcommittee at its meetings on 9 December 2008, 4 February 2009 and 31 March 2009.

(d) Distribution of some 1 750 one-sex-worker-apartments in Hong Kong as of March 2009

5. According to the information gathered by the Police, as at March 2009, there were some 380 one-sex-worker-apartments on Hong Kong Island, 130 in Kowloon East, 880 in Kowloon West, 210 in New Territories North and 150 in New Territories South.

(e) Number of sex workers who were found working in an apartment with another sex worker and were prosecuted for keeping a vice establishment; and number of persons other than sex worker charged with the same offence

6. In 2008, ten sex workers each found working in an apartment with another sex worker were arrested for keeping a vice establishment. 394 persons (286 male and 108 female) who were not sex workers were arrested for the same offence.

(f) Information on whether those 20 persons referred to in paragraph 11 of the Administration's paper (LC Paper No. CB(2)1408/08-09(01)) were all arrested by the Police, and the reasons for conducting searches on them

7. Regarding the 20 persons referred to in paragraph 11 of the Administration's paper (LC Paper No. CB(2)1408/08-09(01)), the Police

found them acting suspiciously in public places and hence stopped them with a view to searching them under section 54 of the Police Force Ordinance (Cap. 232). At their request, these persons were searched in a police station. They were not arrested by the Police when the search was conducted.

(g) Number and frequency of visits by Police officers to one-sex-worker-apartments by district in the previous year, and the purpose of such visits

8. Officers belonging to the Police's divisional-based Designated Task Force visit one-sex-worker-apartments within their respective divisions for crime prevention purpose. During such visits, the Task Force officers pass on crime prevention information to sex workers and collect feedback from them, if any, on crimes and suspected criminal activities (in particular those targetting sex workers). The frequency of such visits depends on the crime situation of individual divisions. In addition, when a serious crime believed to be targetting sex workers has occurred, the Task Force officers will immediately visit the one-sex-worker-apartments in their respective divisions to disseminate timely information to the sex workers so that they will step up vigilance and to collect crime information.

9. Apart from these crime prevention visits, the Police do not normally visit one-sex-worker-apartments unless there are reports or information indicating the occurrence of crime on these premises. In such circumstances, the Police's crime investigation units or uniformed officers will visit the one-sex-worker-apartments to conduct investigation.

10. The Police do not keep statistics on visits made by police officers to one-sex-worker-apartments, whether for crime prevention or crime investigation purposes.

(h) Complaint case cited by Mr Albert CHAN where officers in the Tin Shui Wai Police Station were alleged to have conducted unreasonable and unnecessary searches involving complete removal of clothing on a woman who was arrested for wounding others

11. According to the Police's record, a 48-year old female was arrested in Tin Shui Wai for "criminal intimidation" on 23 May 2008. In order to ensure that she did not have with her anything which might be used to injure herself or others, any evidence material to an offence which might otherwise be destroyed or disposed of, and any article which might

be used to commit a further crime, as the case may be, the Police conducted searches on the female during her detention at the Tin Shui Wai Police Station and on her arrival at the Tsuen Wan Magistrates' Courts. As Members are aware, the Police have since 1 July 2008 introduced enhanced procedures for the search of detained persons as explained in paragraph 4 above, with clearer requirements on the reasons for and scope of the searches. Police officers are required to strictly adhere to the enhanced procedures.

Yours sincerely,



(Apollonia Liu)
for Secretary for Security

c.c.

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