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GOVERNMENT SECRETARIAT  
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HONG KONG

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28 August 2009

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

Dear Mr Lam,

### **Follow Up to the Subcommittee Meeting held on 24 June 2009**

Thank you for your letter of 5 August 2009. We set out below our response to the issues raised by Members of the Subcommittee at the meeting held on 24 June 2009 and the visit to the Western Police Station conducted on 23 July 2009.

(a) *consider making it clear that the Duty Officer who authorized the search and determined the scope of search conducted on a detainee should be the officer who issued and signed the relevant Custody Search Form (Pol. 1123) (i.e. the "issuing officer")*

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2. Under the current Police General Order 49-04(4), the Duty Officer may delegate to his deputy, i.e. the Assistant Duty Officer, to explain to the detainee the reason and the scope of the custody search in the absence of the Duty Officer. The Police will make it clear that the issuing officer of the Custody Search Form should be either the Duty Officer or the Assistant Duty Officer in the next review of the Form.

(b) *provide information on how body cavity search or intimate search performed under the Dangerous Drugs Ordinance (Cap. 134) was recorded, and whether a specific form was designed and used for the purpose of recording such search*

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3. When the Police suspect that a detainee may have concealed drugs and considers that a cavity search on the detainee is necessary, an officer of or above the rank of inspector will give an approval for the request for such search. A police officer will escort the detainee to the nearest Accident and Emergency Department of a Government hospital and request the Medical Officer on duty for conducting a cavity search on the detainee by presenting a memo explaining the reasons for such search together with a Medical Examination Form (Pol. 42).

(c) *consider making further improvements to the Custody Search Form, by asking the officer who witnessed a search to sign on the Custody Search Form*

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4. The current Communal Information System (CIS) records details of the witnessing officer of a search conducted on the detainee. The Police will request the witnessing officer to sign on the Custody Search Form in the next review of the Form.

(e) *provide information on the feedback and complaints of members of the public and police officers regarding the Police's new arrangements for the handling of searches of detainees implemented from 1 July 2008*

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5. From 1 July 2008 to 31 July 2009, the Complaint Against Police Office (CAPO) received one complaint from a detainee regarding the custody search conducted. Based on feedbacks from frontline police officers, whilst the new procedures are generally considered more time consuming, the officers' awareness of human rights obligations when handling detainees has been raised.

(f) *provide a breakdown of the offences involved and the successful rate of prosecution in respect of the 312 cases related to organized prostitution activities which have led to arrest of offenders*

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6. Out of the 312 cases related to organized prostitution activities which had led to the arrest of offenders, 305 cases had resulted in successful prosecutions (involving 616 convictions) as at 15 August 2009. A breakdown of the offences involved is as follows :

| Offences                                | No. of convictions |
|---|--------------------|
| Managing / keeping a vice establishment | 302                |
| Soliciting for an immoral purpose       | 21                 |
| Breach of condition of stay             | 247                |
| Living on earning of prostitution       | 9                  |
| Control over women for prostitution     | 2                  |
| Others                                  | 35                 |
| <b>Total</b>                            | <b>616</b>         |

(g) *CAPO's follow up actions in respect of the submission of Zi Teng dated 23 June 2009*

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7. The Police have all along been liaising with the sex workers and their concern groups to enhance communication. For instance, the Police and CAPO briefed the sex workers concern groups and sex workers on 12 June 2009 on the police complaints handling system including measures to safeguard the complainants' rights. As regards the allegations raised in Zi Teng's submission, CAPO has proactively followed up with Zi Teng to obtain further details of the cases, and has investigated into the cases based on the information provided in accordance with the established procedures. The Police will continue the efforts to enhance communication with the sex workers.

(h) *Number of Level III(c) search resulted in concealed articles being discovered*

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8. Between 1 May and 31 July 2009, the Police conducted 91 Level III(c) searches in which two detained persons were found in possession of dangerous drugs inside their underwear during the searches.

9. To fulfil the Police's duty of care to the persons under their custody and to ensure the safety of others who might come into contact with the detainees, it is necessary for the Police to conduct searches on the detainees. Such searches seek to ensure that the detainee does not have, among other things, any unauthorised possession, any weapon or article with which he might injure himself or others, or use to effect an escape.

10. As regards item (d) concerning the information on the number of the Level III(c) searches involving full removal of underwear conducted on detainees up to 30 September 2009 and the nature of offences involved, we will provide the information when available.

Yours sincerely,



( Mrs Millie Ng )  
for Secretary for Security

c.c.

CP (Attn : Mr Austin Kerrigan)  
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