

For information

**Legislative Council
Panel on Administration of Justice and Legal Services**

**Replacement of Part of the Police Constabulary Establishment
in Magistrates' Courts with Security Guards**

PURPOSE

The Security Bureau and the Police, following a study by the Efficiency Unit on the benefits of civilianization within the disciplined services, has initiated a programme to replace part of the Police's constabulary establishment in the Magistrates' Courts with security guards to perform crowd control duties since early 2009. The Legislative Council Panel on Administration of Justice and Legal Services has requested the Judiciary Administration to provide a report in June 2010 setting out the Judiciary's views on the effect of the operation of this new arrangement. This paper seeks to provide the relevant information.

JUDICIARY'S POSITION

2. The Judiciary maintains that the Police has the statutory duty to take lawful measures for attending the criminal courts and, if specially ordered, the civil courts and keeping order therein pursuant to section 10(p) of the Police Force Ordinance, Cap. 232. The Judiciary has no objection to the Police using civilian security personnel i.e. security guards, to perform non-constabulary crowd control duties in the Magistrates' Courts on the understanding that:

- (a) The Police would continue to be responsible, as part of its statutory duty, for maintaining order in the Magistrates' Courts and the level of security would not in any way be compromised as a result of the arrangement;
- (b) The Police would continue to deploy sufficient numbers of police officers to discharge its statutory duty; and
- (c) The Police would provide command and control of the security guards and be responsible for their performance.

IMPLEMENTATION OF THE ARRANGEMENTS

3. Taking account of the Police's statutory duty as mentioned in paragraph 2 above and the practical circumstances in the various Magistrates Courts, the Judiciary agreed to the Police's arrangements as follows:

- (a) 31 Police Constable crowd control posts would be retained to oversee crowd control arrangements in the Magistrates' Courts, particularly in the plea courts and the summons courts where larger crowds are normally expected; and
- (b) Sufficient number of security guards would be engaged by the Police to replace 58 Constable posts to assist in non-constabulary crowd control duties in the Magistrates' Courts.

4. The Chief Magistrate was consulted before the Judiciary reached agreement with the Police on the above arrangements.

5. The phasing in of security guards started on 16 February 2009. On 1 April 2009, the security guards fully took over the duties of the 58 Police Constable crowd control posts. Under the new arrangements, the 58 Police Constable crowd control posts have been replaced by 62 civilian security guards and seven supervisors, who have been designated to be responsible for crowd control and general guard duties, including patrolling of public areas inside and outside all courtrooms, guarding of entrances to the courts, crowd marshalling duties and handling of general public enquiries.

OBSERVATIONS

6. To ensure the smooth running of the court operations, the Judiciary has closely monitored the implementation of the arrangements by the Police. Based on feedback collected by the Chief Magistrate and other concerned staff, the Judiciary has the following observations on the operation of the new arrangements:

- (a) A few incidents occurred in the early stage of the operation. These included security guards being unfamiliar with their duties in court and adopting inappropriate mannerisms inside the courtrooms. In this regard, further guidance, coaching and training have been provided by the Police and the situation has subsequently improved. Apart from these teething issues, no

major problem with the deployment of security guards on crowd control matters has been identified;

- (b) The security guard manpower at the Magistrates' Courts is generally considered to be adequate and their overall performance satisfactory. Although there are some gaps in the coverage of security guards in certain areas (e.g. summons trial courts) in the initial stage, this has been rectified through adjustment in the deployment arrangement. Overall, it is considered that the security guards have been able to function effectively both in terms of maintaining order in court as well as co-operating with the police officers in discharging such duties; and
- (c) The retention of the 31 Police Constable crowd control posts in the Magistrates' Courts is considered to be the acceptable minimum for the Police to discharge its duty as set out in paragraph 2 above. Where high-profile trials are envisaged, the Judiciary Administration liaises with the Police for extra manpower and the Police has been responding positively with the necessary reinforcement.

CONCLUSION

7. From the Judiciary's point of view, apart from some teething issues identified in the early stage of implementation (which have subsequently been resolved), the new arrangement has not impacted adversely on the court operation. Nonetheless the Judiciary will continue to carefully monitor the situation and maintain close liaison with the Police to ensure that the effective operation and security of the Magistrates' Courts are maintained as before.

Judiciary Administration
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