

立法會
Legislative Council

LC Paper No. CB(2)394/09-10
(These minutes have been seen
by the Administration)

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Panel on Security

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

**Minutes of meeting
held on Monday, 16 November 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 WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-kin, BBS
- Member attending** : Hon Cyd HO Sau-lan
- Member absent** : Hon WONG Yuk-man
- 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 NG Sai-kuen
Chief Superintendent of Police (Crime HQ) (Crime Wing)

Mr Matthew Darron LINDSAY
Senior Superintendent of Police (Support Branch) (Support Wing)

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

Mr Bonny LOO
Assistant Legal Adviser 3

Miss Josephine SO
Senior Council Secretary (2) 1

Ms Camy YOONG
Clerical Assistant (2) 1

I. Meeting with the Administration

(LC Paper Nos. CB(2)256/09-10(01), CB(2)257/09-10(01) and CB(2)285/09-10(01))

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

2. Notwithstanding the Administration's explanation on the reasons for not adopting digital radiographic (X-ray) body scanners or millimetre wave body scanners in custody searches, the Chairman requested the Administration to provide the views of the Privacy Commissioner for Personal Data on the matter, in particular the privacy concerns arising from the display of images which would instantly reveal to the searching officers the body figures and any surgical/ medical equipment placed in the human body of the person being searched.

3. At the request of the Subcommittee, the Administration agreed to provide the Panel on Security with statistics on Level III(c) searches conducted

on detainees involving full removal of underwear and the nature of offences involved on a quarterly basis.

4. The Administration undertook to continue to monitor technological developments and liaise with other law enforcement agencies and overseas police forces with a view to exploring other technology-based search equipment suitable for use in custody searches.

5. The Subcommittee noted that some sex worker concern groups had requested meeting with the Independent Police Complaints Council (IPCC) on a regular basis to reflect their concerns about the handling of complaints by the Complaints Against Police Office (CAPO). The Administration responded that IPCC had tentatively scheduled to receive the views of the sex worker concern groups in early December 2009. Noting that the Administration would report to the Panel on Security the operation of IPCC one year after the latter became a statutory body on 1 June 2009, the Subcommittee agreed to recommend to the Panel on Security that the statutory IPCC's monitoring of the work of CAPO in handling complaints from sex workers be followed up by the Panel when it discussed the operation of the statutory IPCC at a special meeting to be held in or around July 2010.

II. Way forward

6. The Chairman said that the Subcommittee had concluded its work and a report would be submitted, after endorsement by members, to the Panel on Security.

7. There being no other business, the meeting ended at 11:45 am.

**Proceedings of meeting of the
Subcommittee on Police's Handling of Sex Workers and Searches of Detainees
on Monday, 16 November 2009, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action Required
000000 - 000344	Chairman	Opening remarks	
000345 - 001254	Admin	<p>Briefing on the Administration's response to issues raised by members at the meeting on 8 October 2009 (LC Paper No. CB(2)257/09-10(01))</p> <p>Findings of a study conducted by the Police on the use of technology-based search equipment (TBSE) in conducting searches on detainees prior to their detention; merits and disadvantages of individual TBSE, including digital radiographic (X-ray) body scanner, X-ray backscatter scanner, millimeter wave body scanner, walk-through metal detector and handheld metal detector/gloves (Paragraphs 6 to 23 of LC Paper No. CB(2)257/09-10(01))</p> <p>Practices of airports and overseas police forces in using TBSE in conducting physical searches (Paragraphs 24 to 29 of LC Paper No. CB(2)257/09-10(01))</p> <p>Recent custody search statistics (Paragraphs 30 and 31 of LC Paper No. CB(2)257/09-10(01))</p>	
001255 - 001824	Dr Hon Philip WONG Chairman Admin	<p>The Administration advised that the Police's research into TBSE had revealed that for the time being, there was no TBSE readily available in the market which was able to fully satisfy the Police's requirements to the extent of and obviating the need for a physical search altogether. Handheld metal detector was the most practical TBSE available and the Police would continue to use it prior to conducting a custody search</p> <p>Dr Philip WONG suggested that the Administration should cooperate with local universities to explore the possibility of developing equipment and devices which could meet the Police's requirements regarding accuracy or detection capability</p>	

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>The Administration assured members that the Police would continue to monitor technological developments and liaise with other law enforcement agencies (LEAs) and overseas police forces with a view to exploring other TBSE that could be used in custody searches. The Administration stressed that Police officers were now fully aware of the human rights obligations in respect of conducting custody searches, and that searches which involved the full removal of underwear would only be conducted with strong justifications that would be clearly recorded in the Police's Communal Information System</p>	
<p>001825 - 002618</p>	<p>Hon Emily LAU Admin</p>	<p>Discussion on recent custody search statistics (Paragraphs 30 and 31 of LC Paper No. CB(2)257/09-10(01))</p> <p>The Administration advised that the number of Level III(c) searches involving full removal of underwear decreased significantly from 370 in January 2009 to 15 in September 2009. Analysis on the nature of offences relating to these searches indicated that over 80% of such high-level searches were conducted on those detainees arrested for dangerous drugs related offences, and the remaining 20% for possession of concealed items/articles or offensive weapon</p> <p>Ms Emily LAU remained of the view that that the Police should minimize the need for searches involving a high-level of intrusiveness</p> <p>TBSE used by overseas police forces (Annex C to LC Paper No. CB(2)257/09-10(01))</p>	
<p>002619 - 002639</p>	<p>Dr Hon Philip WONG</p>	<p>Dr WONG suggested that the Police should consider using different types of equipment/devices simultaneously in conducting custody searches, if there was no single device that could meet the Police's requirements</p>	

Time Marker	Speaker(s)	Subject(s)	Action Required
002640 - 003457	Chairman	<p>Noting the Administration's explanation on the reasons for not adopting X-ray body scanners or millimetre wave body scanners in custody searches, the Chairman requested the Administration to provide the views of the Privacy Commissioner for Personal Data on the matter, in particular the privacy concerns arising from the display of images which would instantly reveal to the searching officers the body figures and any surgical/medical equipment placed in the human body of the person being searched</p> <p>Relevant considerations, such as costs, effectiveness and practicability, which needed to be taken into account in deciding whether a particular TBSE should be adopted in custody searches</p> <p>The Administration was requested to provide the Panel on Security with statistics on Level III(c) searches conducted on detainees involving full removal of underwear and the nature of offences involved on a regular basis</p> <p>The Chairman shared the view of Dr Philip WONG and Ms Emily LAU that the Police should continue to monitor technological developments and liaise with other LEAs and overseas police forces with a view to exploring other TBSE suitable for use in custody searches</p>	<p>Admin to follow up on the request (Para. 2 of the minutes refers)</p> <p>Admin to provide the requested information on a quarterly basis (Para. 3 of the minutes refers)</p>
003458 - 004650	Chairman Dr Hon Philip WONG Hon Emily LAU Hon Cyd HO Admin	<p>Discussion on the way forward; whether the Subcommittee could conclude its work; whether and how the Subcommittee would handle the complaints and allegations in the joint submission from Zi Teng and JJJ Association (LC Paper No. CB(2)256/09-10(01))</p> <p>The Administration advised that the Police attached great emphasis on the proper conduct of Police officers. The Police management would not condone abuses, if any, committed by Police officers during anti-vice undercover operations. The Complaints Against Police Office (CAPO) had committed to follow up on the sex workers' complaints with necessary</p>	

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>information. Noting that some sex worker concern groups had requested meeting with the Independent Police Complaints Council (IPCC) on a regular basis to reflect their concerns about the handling of complaints by CAPO, IPCC had tentatively scheduled to receive the views of the sex worker concern groups in early December 2009</p> <p>The Administration further advised that it would report to the Panel on Security the operation of IPCC one year after the latter became a statutory body on 1 June 2009</p>	
004651 - 005748	Hon Emily LAU Chairman Admin	<p>Ms Emily LAU's enquiry on how the Administration dealt with the complaints and allegations referred to in the joint submission from Zi Teng and JJJ Association</p> <p>The Administration advised that among those 21 complaints outlined in the submission alleging abuse of power by Police officers, only three of them, i.e. Cases 6, 18 and 21, were pursuable reports which had been dealt with. For the remaining 18 reports, investigations could not be carried out since they did not provide sufficient traceable information</p> <p>The Administration further advised that the CAPO was required to, upon completion of investigation of complaints, submit to IPCC investigation reports containing the findings of facts and supporting evidence, classifications of the complaints and the reasons for the classifications, actions taken or to be taken by the Police and other relevant information. If CAPO could not complete the investigation within six months after the date of receipt of the complaints, it should submit to IPCC interim investigation reports explaining the progress of the investigation and the reasons for not being able to complete the investigation within six months</p>	
005749 - 010028	Hon Cyd HO Chairman Admin Hon Emily LAU	Ms Cyd HO agreed with the Chairman that the Administration should provide the Panel on Security with statistics on Level III(c) searches conducted on detainees involving	Admin to provide the requested information on a quarterly basis

Time Marker	Speaker(s)	Subject(s)	Action Required
		full removal of underwear and the nature of offences involved on a quarterly basis The recommendation that the statutory IPCC's monitoring of the work of CAPO in handling complaints from sex workers should be followed up by the Panel on Security when it discussed the operation of the statutory IPCC at a special meeting to be held in or around July 2010	(Para. 3 of the minutes refers)
010029 - 010121	Chairman Admin Hon Emily LAU	Concluding remarks; submission of a report to the Panel on Security	

Council Business Division 2
Legislative Council Secretariat
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