

立法會
Legislative Council

LC Paper No. CB(2)1761/16-17(02)

Ref : CB2/PL/SE

Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 4 July 2017**

Custodial and detention management of the Police

According to the Administration, all police detention facilities are regularly cleaned and maintained, and well ventilated with adequate lighting. Cloaks, cell benches, privacy walls around toilets, hot shower facilities with privacy doors, washing facilities and adequate electric fans, etc., are provided. Meals and drinking water may be requested at any time. Clean blankets, clean clothes and sanitary items such as toothbrushes, soaps and towels are available upon request. In addition, special measures are in place to cater for the religious needs of ethnic minorities under police custody, such as the provision of religious texts and a directional sign for prayer. When a person in police detention so requests or if a Duty Officer considers that the detainee is in need of medical attention due to sickness or injury, the duty officer shall send the detainee to the nearest government hospital or clinic and inform the medical officer of his medical history, medication or symptoms. Regarding medication of detainees, the Police permit only their taking of medicines approved by a government medical officer according to the prescribed dosage and frequency.

2. The subject of custodial and detention management of the Police has not been discussed by the Panel on Security ("the Panel"). According to the Administration's replies to relevant questions raised by Members at Council meetings, the Police conducted a comprehensive review of detention management policy in 2008 and implemented various improvement measures in all detention cells by 2012, such as installing hot shower facilities, enhancing protection of privacy and putting up notice boards in the passage outside detention cells to display notices on the rights of detainees. To take heed of the health, nutritional and religious needs of detainees and persons remanded in custody, the government departments concerned review from time to time their detention management policy and meal system to the effect

that their duty of care to such persons is properly fulfilled and that the rights of such persons are properly safeguarded. The relevant questions raised by Members and the Administration's replies are in **Appendices I and II**.

3. The Administration will brief the Panel on the custodial and detention management of the Police at the meeting on 4 July 2017.

Council Business Division 2
Legislative Council Secretariat
28 June 2017

Appendix I

Press Releases

LCQ8: Detainees' meal arrangement

Following is a question by the Hon Leung Kwok-hung and a written reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (May 13):

Question:

Quite a number of persons who were detained in the cell holding units in the Magistrates' Courts and the High Court awaiting transfers to correctional facilities (detainees) have complained to me that the food provided there is small in portion and limited in choice. Also, such food does not cater for their cultural backgrounds, religions and health problems. In this connection, will the Government inform this Council:

- (1) of the criteria adopted by the authorities for selecting suppliers to provide food to detainees (suppliers);
- (2) of the types of food and the average weight of each set of food provided to detainees by the authorities in the past five years;
- (3) of the list of suppliers designated by the authorities in the past five years, the relevant contract periods and the contract price of each set of food (set out the information by the Magistrates' Courts and the High Court);
- (4) whether the authorities provide detainees with appropriate food having regard to their cultural backgrounds, religions and health problems; if they do, of the average weight and price of each set of food provided by the authorities in the past five years to detainees (i) of different cultural backgrounds (such as Oriental, Western, Indian and Pakistani culture), (ii) of different religions (such as Buddhism, Christianity, Hinduism and Islam) and (iii) with different health problems (such as diabetes and high blood pressure), as well as the respective numbers of detainees involved; if not, the reasons for that, and whether the authorities will consider providing detainees with appropriate food with regard to their special needs;
- (5) whether the relatives and friends of detainees are allowed to arrange on their own food for detainees, such as buying food from designated suppliers; if so, of the relevant procedures; if not, how the authorities determine whether the food so provided caters for the special needs of detainees;
- (6) whether detainees are presently allowed to order food from designated suppliers by themselves; if so, of the list of suppliers, the relevant contract periods and the contract price of each set of food; and
- (7) whether the authorities regularly review the mechanism for providing food to detainees so as to ensure that the food cater for their special needs, and the interests of the detainees are protected; if the authorities do not, of the reasons for that; if they do, the frequency of such reviews, the government departments participating in such reviews as well as the dates and details of the last and the next review; whether the

authorities will disclose the review information?

Reply:

President,

The Government respects the right of detainees. Departments concerned have put in place procedures and guidelines to ensure that due care is given to detainees' meal arrangement during court detention.

My reply to various parts of Hon Leung's question is as follows:

(1) to (4) The Government has not designated food caterer for detainees. Meals for detainees in cell holding units in Magistrates' Courts are mainly provided by canteens of nearby police stations, and the operators of such canteens are commissioned by the Hong Kong Police Force (HKPF) through open tender in general. On another front, meals for persons in custody in cell holding units in the High Court and the District Court are arranged by the Correctional Services Department (CSD). These persons, same as other persons in custody who are serving their sentences in correctional institutions, are provided with meals by kitchens of the correctional institutions. The meals are set by qualified dietitians, with dietary scales approved by the Department of Health and in compliance with relevant international health guidelines.

Generally speaking, detainees are only remanded in cell holding units in Magistrates' Courts for a short span of time (usually no more than one working day). The HKPF provides to such detainees three meals, i.e. breakfast, lunch and dinner, which are supplied by canteen operators of police stations in accordance with HKPF's guidelines. Corresponding arrangements shall be made by the HKPF as appropriate if detainees cannot consume certain kinds of food for such reasons as race, religion or dietary requirements (e.g. health needs).

Having regard to the health, dietary and religious needs of persons in custody, the CSD currently provides four main dietary scales, namely dietary scale 1 with rice as staple food; dietary scale 2 with curry and chapatti as staple food; dietary scale 3 with potatoes and bread as staple food; and dietary scale 4 comprising vegan meal. Moreover, appropriate food is given to individual persons in custody for medical considerations on Medical Officers' advice.

Detailed information such as the types of food and average quantity of food by weight provided to detainees or remand persons in custody in cell holding units in the courts, the number of persons with special dietary requests, and the types or quantity of food for special diet that was provided to such persons etc in the past five years are not kept by the HKPF or the CSD.

(5) and (6) Detainees or remand persons in custody in cell holding units in courts may, with the consent of departments concerned, request that meals be supplied to them by outside food premises and the expenses involved shall be covered by their relatives or friends. Such meals shall undergo security check by relevant departments before being delivered to the detainees or remand persons in custody for consumption.

(7) To take heed of the health, nutritional and religious needs of detainees and remand persons in custody, departments concerned review from time to time their detention management policy and meal system to the effect that their duty of care to such persons is properly fulfilled and that the rights of such persons are properly safeguarded.

Ends/Wednesday, May 13, 2015
Issued at HKT 16:36

NNNN

Appendix II**Press Releases**

LCQ21: Enhancing the safety of detention facilities

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (May 31):

Question:

Regarding an incident in which a man committed suicide and died in a detention cell of a police station, the 2015 Coroners' Report recommended to the Police that (i) the number of close-circuit television (CCTV) cameras be increased or the angles of CCTV cameras be adjusted to monitor the situation in various detention cells, (ii) contractors be arranged to conduct regular checks on the video systems and recording functions of CCTV cameras, and (iii) more monitors be installed to display the footages captured by various CCTV cameras throughout to facilitate the monitoring of the situation in various detention cells and to ensure the normal operation of CCTV cameras. On preventing detainees in police stations from injuring themselves or others, will the Government inform this Council:

(1) of the number of cases in which detainees in police stations attempted to commit suicide in each of the past 10 years;

(2) of the number of cases in which detainees died in police stations in each of the past 10 years, and set out by year (i) the causes of their deaths, (ii) the names of the police stations concerned and (iii) the reasons for which the deceased persons were detained before death;

(3) of the details of the body searches which a detainee is currently required to undergo before entering a detention cell; whether the Police have taken measures other than body searches to prevent detainees from injuring themselves or others;

(4) of the respective numbers of police stations which currently have (i) detention cells and (ii) CCTV cameras installed in the corridors outside detention cells; whether the Police have assigned dedicated police officers to monitor the CCTV screens; the reasons why no CCTV cameras have been installed in the corridors outside some detention cells; and

(5) whether the Police have assessed if the recommendations put forward in the aforesaid report are feasible; whether the Police have implemented the recommendations; if they have implemented the recommendations, of the expenses incurred and the manpower deployed so far, and the latest progress of the relevant work; if not, the reasons for that?

Reply:

President,

The Hong Kong Police Force (the Police) have all along fulfilled its duty of care to persons remanded by the Police, ensuring that their rights and safety are safeguarded. With respect to the questions raised by the Hon Kenneth Leung, my response is as follows:

(1) and (2) Figures of detainees who "harmed themselves/attempted to commit suicide" and those who "died" in police stations in the past five years are provided in Annex. The Police do not maintain such figures before 2012.

(3) To respect the rights of detainees and prevent unnecessary body searches, the Police classify the scope of search into three levels: (Level 1) non-removal of clothing; (Level 2) removal of clothing; and (Level 3) removal of underwear.

When a person is arrested by the Police, he/she will be brought before the Duty Officer in charge of the police detention facilities of the police station concerned, who will then decide on the level of search to be conducted. The Duty Officer will take into consideration a series of factors relating to the detainee, such as the offence suspected to have been committed, criminal record, the level of violence exhibited when committing the suspected offence and upon arrest, suicidal tendency, previous record of self-harm (if known), etc.

The scope of a custody search on each occasion is to be determined having regard to the prevailing circumstances and shall be proportionate to such circumstances and justifiable. After determining the scope of the custody search in view of the above factors, the Duty Officer will explain the reasons to the detainee. If a detainee has any concerns/objections regarding the search, he/she may raise them to the Duty Officer who will reconsider his decision. To ensure that officers concerned comply with the search procedures, supervisory officers will conduct periodic reviews of custody search records in the system and take actions on any non-compliance cases.

In addition, police officers can only conduct a search involving the removal of underwear with strong justification and it should not be conducted on a routine basis. In conducting such searches, regard should be given to the privacy and dignity of the detainee. For example, such searches can only be conducted in an area with privacy protection, and it must be ensured that they are not seen by any persons other than the officers required to carry out, witness or supervise the searches.

If a detainee has special conditions, such as a previous record of serious and violent offences or offences involving firearms or explosives; is being suspected of, or charged with such offences; having previously escaped from custody or thought to have a high risk of escape, or having an expressed or known suicidal tendency, he/she will be under "Special Watch". In such circumstances, the officer in charge of the case is required to inform the Divisional Commander and the Duty Officer so as to make special arrangements, which include allocating to the detainee a separate cell from other detainees, and restraining the detainee in a handcuff transport belt when he/she is being moved.

Apart from the above, to ensure the safety of detainees and other persons who might be in contact with them, the Police have already introduced the use of hand-carry metal detectors. A Duty Officer will be assigned to every detention facility to be responsible for the reception, safety, security and welfare of the detainees, as well as the regular inspection of the detention facility concerned during his shift. Supervisory officers at all ranks will also regularly inspect the detention facility

concerned. The Police will follow the principle of single-cell occupancy as far as there is enough space in the detention facility.

Furthermore, the Police have all along been striving to enhance the detention facilities in existing, newly constructed and future police stations. The Police conducted a comprehensive review of its detention management policy in 2008, and have implemented various improvement measures in all detention cells by 2012, such as installing hot shower facilities, enhancing the protection of privacy, and putting up notice boards in the passage outside detention cells to display notices on the rights of detainees.

At the same time, since 2010, the Police have been improving the environment of report rooms with suitable conditions and enhancing the safety of detention facilities, with relevant works completed in Central Police Station, Tsuen Wan Police Station, and Wong Tai Sin Police Station. The relevant improvement measures include retrofitting temporary holding areas and detention cells with reinforced fibre glass walls or metal meshes and altering all wall edges to smooth rounded ones. As for the newly constructed police stations (such as Yau Ma Tei Police Station), the Police have also increased the floor-to-ceiling height of detention cells to prevent detainees from reaching a secure spot for tying a knot on the ceiling. The Police will, where practicable, continue to improve existing detention facilities at police stations and look into the designs for future detention facilities, with a view to affording better protection to detainees. The upgrading works of the relevant police stations are still in progress.

(4) At present, a total of 33 out of the 42 police stations of the Police have detention cells. These 33 police stations have closed-circuit televisions (CCTV) for monitoring the passage and exits/entrances of detention cells. Officers on duty in report rooms monitor the situation via CCTV on shifts.

(5) The Police attach great importance to the recommendations made by the Coroner's Court in 2015 and have forthwith implemented such recommendations with effect from April 2015, such as arranging contractors to regularly inspect the imaging system and video-recording function of CCTV, and ensuring the availability of designated screens for continuous display of the passage and exits/entrances of detention cells. The Police have also been studying the feasibility of installing CCTV in detention facilities, which include the implications of the recommendations on detainees' privacy, security arrangements, etc. The Police have also been discussing with the Department of Justice on ways to follow up the recommendations of the Coroner's Court. The relevant work is currently underway.

Ends/Wednesday, May 31, 2017
Issued at HKT 16:00

NNNN

Annex

Figures of detainees who harmed themselves/attempted to
commit suicide
and those who died in police stations in the past five years

	Self-harm/attempted suicide ¹	Death ²
2012	27	0
2013	36	0
2014	31	2
2015	33	0
2016	33	1
2017 (As at May 24)	17	1

¹ The figures do not include death cases.

² Four detainees died by hanging themselves in Western Police Station, Yau Ma Tei Police Station, North Point Police Station and Sau Mau Ping Police Station respectively. The reasons for their detention include involvement in cases of assault occasioning actual bodily harm, possession of dangerous drugs and misleading police officers, attempted indecent assault, rape and robbery.