

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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27 July 2017

Mr Raymond LAM
Clerk to Panel on Security
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Fax: 2185 7845)

Dear Mr LAM,

I refer to your letter dated 29 June. With regard to Hon CHU Hoi-dick's enquiries on the same day, our consolidated reply is as follows.

Meeting the Medical Needs of Detainees

Detainees have the right to receive medical treatment. When a detainee so requests or if a Duty Officer ("DO") considers that the detainee is in need of medical attention due to sickness or injury, the DO shall send the person to the nearest public hospital or clinic. The detainee may only take medicines approved by a government doctor according to the prescribed dosage and frequency.

Toilet, Washing and Shower Facilities

The Police, having conducted a comprehensive review of their detention management policy in 2008, installed toilets with partition walls in all detention cells by March 2012 to further enhance their detention facilities and strengthen protection for the privacy of detainees.

While the Police's detention facilities are not intended for long-term detention, the Police have all along fulfilled their duty of care by providing hand-washing and shower facilities to detainees. If a detainee

requests to wash his/her hands or take a shower, the DO will arrange for an officer of the same gender as the detainee to escort him/her to the facility as soon as practicable. The detainee will be provided with a "personal hygiene pack" which includes a toothbrush, toothpaste, a towel and a pack of liquid soap for personal use. In addition, the Police will also provide dry and wet tissues for detainees who enter the detention room for the first time and are provided with meals.

Provision of Meals

The Police will provide breakfast, lunch and dinner for detainees. Regarding the case on 28 June this year, given that many persons were arrested on the day, the Police had, in light of the actual circumstances, re-deployed crime officers to handle the arrested persons and relevant arrangements, and responded to the meal requests of detainees as soon as practicable.

Taking of Statements

In normal circumstances, the Police will take statements from suspects in writing. However, if it is believed that the case will be heard by the District Court or the Court of First Instance of the High Court, or involves a suspect with special needs (such as a blind person or a person suspected to be mentally incapacitated), the Police will take a statement from the suspect in the form of a video recording. In addition, when deciding whether to take a statement in the form of a video recording, the Police will also consider such factors as the complexity, sensitivity and nature of individual cases.

Handling Detainees with Special Needs

If a detainee actually or apparently **has a hearing or speech impairment**, the Police will treat him/her as a person with a hearing or speech impairment in the absence of clear evidence to prove otherwise. Police officers should contact relevant sign language interpreters for on-site interpretation in accordance with established procedures.

If a detainee is **either blind or severely visually impaired or apparently so**, the Police will treat him/her as a blind or severely visually impaired person in the absence of clear evidence to prove otherwise. Police officers should directly talk with such persons and give them clear instructions. To prevent them from tripping, passageways should be kept clear and unobstructed. To ensure that detainees clearly understand their rights during Police custody or when being involved in Police enquiries, the

Police have produced a braille version of the Notice to Persons in Police Custody or Involved in Police Enquiries for blind or severely visually impaired detainees.

In the above circumstances, the DO should ask the detainee whether he/she requires the presence of an appropriate adult to ensure that the rights and special needs of the detainee are fully addressed. If the detainee requires so, the DO shall, prior to the custody search, take all reasonable measures to arrange for the presence of an appropriate adult aged 18 or above and of the same gender as the person being searched.

Where a detainee is **illiterate in Chinese** and needs interpretation services in English or other languages, the Police will contact relevant interpreters for on-site assistance in accordance with established procedures. A language identifier poster, which contains 25 ethnic languages including Sinhala, Tagalog (Filipino), Tamil, Urdu, Bengali etc., is now provided at all police report rooms to help identify the language spoken by ethnic minorities in contact with the Police. Meanwhile, the forms and notices for detainees (including Custody Search Form, Notice to Persons in Police Custody or Involved in Police Enquiries, Arrest and Detention Policy and Treatment and Conditions in Police Detention Facilities) provided by the Police have been translated into 15 ethnic minority languages in both written and audio forms to ensure that ethnic minorities in custody can understand the respective Police policies which might affect them.

A custody search on a **mentally incapacitated person (“MIP”)**, if necessary, shall be conducted in the presence of an appropriate adult as far as practicable. A custody search may have to be conducted in the absence of an appropriate adult if the DO is unable to contact an appropriate adult within the reasonable timeframe and/or considers that the search needs to be conducted urgently for such reasons as risk of harm to the detainee or other persons.

To assist frontline officers in identifying and effectively communicating with MIPs, after consultation with the Police’s clinical psychologists, relevant medical experts and the Social Welfare Department, the Police have devised the “Behavioural Indicators Guide”, which categorises some of the common characteristics of MIPs into three areas, namely, personal circumstances, behaviour and conversational characteristics, to help raise police officers’ sensitivity and awareness in dealing with suspected MIPs.

Round-the-clock Recording by Closed-circuit Televisions in All Areas in Police Stations

For security reasons, at present, the 33 police stations with detention cells have installed closed-circuit televisions (“CCTVs”) for monitoring the passage and exits/entrances of detention cells. For the protection of personal privacy, the Police presently do not install CCTVs in custody search area or detention rooms.

Moreover, as stated in the discussion paper for the meeting of the Panel on Security held on 4 July this year, the Police have been actively following up the recommendation to increase the number of CCTVs in detention facilities or adjust their angles for monitoring the situation in detention rooms. To such end, the Police have made reference to the practice adopted by overseas law enforcement authorities, looked into the implications of the recommendation on detainees’ privacy, sought the views of the Department of Justice (“DoJ”), studied the implementation details of the recommendation, etc. The Police are of the view that implementation of the recommendation can help prevent detainees from harming themselves at an early stage, and provide full footage of the detention for the purpose of handling relevant complaints, disciplinary investigations and coroner inquests. The Police will continue to seek DoJ’s advice on the implementation details, in particular the privacy issue, and consult the Privacy Commissioner for Personal Data when appropriate.

As regards the recommendation to install CCTVs in other areas of police stations, the Police have to take into account the actual use and operational and security needs.

Conduct and Equipment of Officers at Detention Facilities

Police officers must comply with the relevant guidelines and requirements in questioning suspects and taking statements in order to ensure that the statements are admissible as evidence in court and safeguard the suspects’ legal rights. The Police attach great importance to the conduct of officers. Should an officer be involved in a disciplinary offence or in breach of law, the Police will handle seriously by conducting disciplinary review and criminal investigation based on evidence and relevant circumstances.

The equipment of the officers at the detention facilities involves operation details and is therefore inappropriate to be made public.

Review

Four working groups under the Custodial Management Committee, which were established by the Police in June this year, have been tasked to carry out topical studies on the policies and procedures concerned, facilities and environment, information technology support, as well as training and frontline communication. They also do research in relevant areas and take forward the work. Comprising representatives from different Police units concerned, including the six regions, the Planning and Development Branch, the Information Systems Branch, the Personnel Wing, the Support Wing, the Hong Kong Police College etc., the Committee has convened its first meeting on 21 June. As the discussion involved operation guidelines and security details, the Police have no plan to invite participation of outside parties.

Yours sincerely,

(Michael YEUNG)
for Secretary of Security