

政府總部
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GOVERNMENT SECRETARIAT
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By Fax : 2509 0775

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Mr Raymond Lam
Clerk to Security Panel
Legislative Council
3rd Floor
Citibank Tower
3 Garden Road
Central

Dear Mr Lam,

**Administration's response to the Submission from
the Hong Kong Women's Coalition on Equal Opportunities**

At the Security Panel meeting held on 6 January 2009, Members requested the Administration to provide a response to the issues raised in the submission from the Hong Kong Women's Coalition on Equal Opportunities attached to your letter of 10 December 2008.

In the submission, the Coalition expressed concern regarding a recent alleged rape case occurring in a police station and involving a serving police officer. The Force does not condone such behaviour by any of its officers and has taken prompt action in the criminal investigation, arrest and subsequent prosecution in respect of the incident. After the initial court hearing on 27 November 2008, the case is now adjourned until 24 February 2009. The Force will take forward this case in a serious, professional and impartial manner.

We should emphasise that the above-mentioned case is serious but an isolated incident. The Force is fully committed to upholding a high standard of conduct and discipline among all officers, and has in

place a well-established and effective system to deal with any breach of discipline. Where misconduct or non-compliance of internal police procedures is involved, disciplinary action will be instituted against the officer concerned. Where criminal offences are involved, the Police will seek the advice of the Department of Justice on whether prosecution should be instituted.

The Force also places great emphasis on the integrity of its members. Integrity and honesty; respect for the rights of members of the public; fairness, impartiality and compassion in all dealings with the public are among the Force's Core Values. They play a central role in the inculcation of trainees and feature prominently in police training throughout the career of police officers. Human rights and equality principles are part of the foundation training for the Force's new recruits and probationary inspectors. The continued training programmes for in-service officers also cover these topics.

Moreover, the Force conducts regular reviews of policing strategies, policies and tactics with a view to, inter alia, enhancing its services to the public and compliance with human rights law. As an example, the Police are now conducting a review of the handling of searches of detainees in Police custody. As part of this exercise, the Police have been reviewing and refining their search procedures to enhance their compliance with the Basic Law and the Hong Kong Bill of Rights. We have been updating the Subcommittee on Police's Handling of Sex Workers and Searches of Detainees formed under the Panel on Security on the progress of the review.

In the submission, the Coalition opined that there were excesses in the Police's handling of sex workers and searches of detainees. We should reiterate that all undercover enforcement actions of the Police against illegal vice activities are strictly controlled. As regards searches of detainees, the Force has revised its procedures and introduced guidelines on 1 July 2008 to prevent arbitrary or unnecessary searches of detained persons. The new procedures also clearly stipulate that a search involving the removal of underwear should not be conducted routinely but only in circumstances with strong and recorded justifications. All police officers must adhere strictly to the Force's requirements in conducting their constabulary duties.

Any person aggrieved by any police action, including anti-vice operations or body searches, may lodge complaints. All reportable


complaints are subject to the rigorous checks and balances under the two-tier police complaints system.

The Complaints Against Police Office (CAPO) of the Police is responsible for handling and investigating complaints lodged by members of the public against members of the police force. CAPO operates independently from other Police formations to ensure its impartiality in handling the complaints. All complaints, irrespective of the identity and background of the complainants, are taken seriously and the identity of the complainants is kept confidential. The Independent Police Complaints Council (IPCC) closely monitors CAPO's handling of the complaints to ensure that they are all investigated thoroughly and concluded impartially. Following endorsement of the investigation findings by IPCC, CAPO will inform a complainant of the result of his complaint. Based on the endorsed investigation results, the Police will take disciplinary or other appropriate actions against the police officers concerned where a complaint is substantiated.

The IPCC Ordinance, enacted in July 2008, turns IPCC into a statutory body and imposes statutory obligation on the Police to comply with the requirements of IPCC. IPCC plans to start operating as a statutory body from 1 April 2009. Such development further enhances the independent oversight function of IPCC as well as the transparency of our police complaints system.

I should be grateful if you would help bring the above to the attention of Members.

Yours sincerely,


(Apollonia Liu)
for Secretary for Security

c.c. CP (Attn : Mr A. Kerrigan)