

立法會
Legislative Council

LC Paper No. CB(2)1944/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/PS/1/08

Panel on Security

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

**Minutes of meeting
held on Tuesday, 2 June 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-kin, BBS
- Member attending** : Hon Cyd HO Sau-lan
- Members absent** : 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 WONG Yuk-man
- Public Officers attending** : Item I
Mrs Apollonia LIU
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
Superintendent of Police (General) (Support Branch)

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 : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Miss Josephine SO
Senior Council Secretary (2) 1

I. Meeting with the Administration

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

2. The Subcommittee requested the Administration to -
 - (a) provide the Subcommittee with the most updated version of the custody search form (Pol. 1123), Police General Order 49-04 and Force Procedures Manual 49-04;
 - (b) confirm whether the Police had, in conducting the internal review on the handling of searches conducted on the arrestees involved in the Lee Tung Street incident, made any attempt to contact the arrestees and to collect more information concerning their allegations against the Police;
 - (c) provide further information in respect of the cases involving ten sex workers referred to in paragraph 6 of LC Paper No. CB(2)1630/08-09(01) as to how many of the premises in question

were previously known to be "one sex worker apartments" but found to have two or more sex workers working on the same premises during the enforcement actions taken by the Police;

- (d) investigate into the complaint cases as referred to in the submission from Zi Teng (LC Paper No. CB(2)1631/08-09(01)), and report the follow-up actions taken by the Administration to the Subcommittee; and
- (e) consider providing, on a restricted basis if necessary, the report on the internal review conducted by the Police regarding the Lee Tung Street incident.

II. Date of next meeting

3. The Chairman reminded members that the next meeting would be held on 24 June 2009 from 8:30 am to 10:30 am.

4. The meeting ended at 9:55 am.

Council Business Division 2
Legislative Council Secretariat
18 June 2009

**Proceedings of meeting of the
Subcommittee on Police's Handling of Sex Workers and Searches of Detainees
on Tuesday, 2 June 2009, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action Required
000000 - 000621	Chairman	Opening remarks	
000622 - 001659	Admin	<p>Briefing on the Administration's paper entitled "Report on Stage Two of the Review on the Police's Practices regarding the Search of Detainees" (LC Paper No. CB(2)1706/08-09(01))</p> <p>Implementation of improvement measures as suggested by the Subcommittee on Police's Handling of Searches of Detainees and additional improvement measures (paragraphs 5 to 7 of and Annex A to LC Paper No. CB(2)1706/08-09(01))</p> <p>Further improvement measures under consideration (paragraph 8 of and Annex B to LC Paper No. CB(2)1706/08-09(01))</p>	
001700 - 002535	Chairman Admin	Administration's response to issues raised by members at the Subcommittee meeting on 27 April 2009 (LC Paper No. CB(2)1630/08-09(01))	
002536 - 004206	Chairman Hon Audrey EU Admin	<p>Requested that the most updated version of the custody search form (Pol. 1123), Police General Order 49-04 and Force Procedures Manual 49-04 should be provided to the Subcommittee</p> <p>Whether the Police had, in conducting the internal review on the handling of searches conducted on the arrestees involved in the Lee Tung Street incident, made any attempt to contact the arrestees and to collect more information concerning their allegations, apart from making reference to statements provided by the officers involved in the handling of searches on these detainees and media reports quoting the allegations made by some of the detainees</p>	<p>Admin to provide the requested information (paragraph 2(a) of the minutes refers)</p> <p>Admin to provide the requested information (paragraph 2(b) of the minutes refers)</p>

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>Supplementary information on the complaint case cited by Hon Albert CHAN where officers in the Tin Shui Wai Police Station were alleged to have conducted unreasonable and unnecessary searches involving complete removal of clothing on a woman who was arrested for wounding others; the woman was arrested on 23 May 2008 before the implementation of the new arrangements for the handling of searches of detainees on 1 July 2008; the searches conducted on her were carried out to ensure that the Police could fulfill the duty of care towards the detainee</p> <p>Advised that a new arrangement removing the mandatory requirement for conducting repeated custody searches on detainees upon temporary removal from the temporary holding area or police cell was implemented from 19 April 2009 onwards (paragraph 5 of LC Paper No. CB(2)1706/08-09(01))</p>	
004207 - 010315	Hon Audrey EU Chairman Admin	<p>Further details on cases recorded in 2008 which involved the provision of sex service by two sex workers in one apartment</p> <p>Regarding the cases involving ten sex workers referred to in paragraph 6 of LC Paper No. CB(2)1630/08-09(01)), sought information on how many of the premises in question were previously known to be "one sex worker apartments" but found to have two or more sex workers working on the same premises during the enforcement actions taken by the Police</p> <p>Reiterated that enforcement actions against one sex worker apartments would only be taken when there were reports or information indicating the occurrence of crime on these premises</p> <p>Possibility of sex workers working in one sex worker apartments being induced by officers undertaking undercover operations to commit the offence of "provision of sex service by two sex workers in one apartment"; whether the Police's internal</p>	<p>Admin to provide the requested information (paragraph 2(c) of the minutes refers)</p>

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>guidelines governing anti-vice operations prohibited Police officers undertaking undercover operations from enticing sex workers to commit such an offence</p>	
<p>010316 - 011435</p>	<p>Hon Cyd HO Admin Chairman</p>	<p>Considered that the Police's internal guidelines governing anti-vice operations should be amended to prohibit Police officers undertaking undercover operations from enticing sex workers to commit crime, including the provision of sex service by two sex workers in one apartment</p> <p>Suggested that the Police should consider establishing a complaint mechanism independent of the Complaints Against Police Office for sex workers to seek redress against Police officers</p> <p>Considered that the existing police complaint system should be enhanced, so as to ensure the confidentiality of complaints from sex workers and to prevent possible tipping off of officers who were the subject of complaints; suggested that the Police should consider setting up a hotline or appointing a senior ranking Police officer to receive complaints from sex workers</p> <p>Difficulties faced by the Police in following up anonymous complaints against Police officers undertaking undercover operations; investigation could only be carried out if the persons who felt aggrieved were willing to provide information</p> <p>Objectives and frequency of visits by Police officers to one sex worker apartments (paragraphs 8 & 9 of LC Paper No. CB(2)1630/08-09(01))</p>	
<p>011436 - 012125</p>	<p>Hon Cyd HO Admin Chairman</p>	<p>Submission from Zi Teng dated 19 May 2009 (LC Paper No. CB(2)1630/08-09(02))</p> <p>Considered that the Police should give greater assurance to sex workers that their complaints, if lodged, would be kept in confidence and handled by a designated</p>	

Time Marker	Speaker(s)	Subject(s)	Action Required
		<p>Police officer in an impartial, equitable and proper manner</p> <p>Stressed that investigation could only be carried out with the person who felt aggrieved by any Police action being willing to lodge a complaint and to provide the necessary information</p>	
012126 - 012815	Chairman Admin Cyd HO	<p>Confidential submission from Zi Teng (LC Paper No. CB(2)1631/08-09(01)); requested that the Administration should investigate into the complaint cases as referred to in the submission, and report the follow-up actions taken by the Administration to the Subcommittee</p> <p>Requested that the report on the internal review conducted by the Police regarding the Lee Tung Street incident should be provided to members, on a restricted basis if necessary</p>	<p>Admin to follow up and investigate into the complaint cases (paragraph 2(d) of the minutes refers)</p> <p>Admin to consider members' request and provide a response (paragraph 2(e) of the minutes refers)</p>
012816 - 012822	Chairman	Date of next meeting	