

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

**SB213**

Question Serial No.

3673

Head: 30 Correctional Services Department

Subhead (No. & title): 000 Operational Expenses

Programme: (1) Prison Management

Controlling Officer: Commissioner of Correctional Services

Director of Bureau: Secretary for Security

Question:

Regarding the arrangement of conducting strip search and rectal search by the Department, please advise:

1. the breakdown of the number of searches not involving removal of clothing, searches involving removal of clothing and searches involving removal of underwear; and the number of non-local residents involved and the nature of crimes involved in the past five years (2008-2009 to 2012-2013);
2. the existing guidelines and training manuals on conducting strip search and rectal search; and the rank of officers who may decide to conduct strip search and rectal search;
3. whether the Department has made improvement on the arrangement of conducting strip search and rectal search in the past five years and what are the details; if no, what are the reasons;
4. details of the plans to procure low radiation X-ray body scanner for Lai Chi Kok Reception Centre, Lo Wu Correctional Institution, Tai Lam Centre for Women, Pik UK Correctional Institution and Shek Pik Prison in this financial year (2013-14);
5. the timetable and the estimated expenditure regarding the procurement of equipment for all correctional facilities to replace strip search and rectal search.

Asked by: Hon. HO Sau-lan, Cyd

Reply:

1. Rules 9 and 10 of the Prison Rules (Cap. 234A) authorise the staff of the Correctional Services Department (CSD) to conduct search on every person in custody upon their admission and, subsequently, at such times as and when the officers in charge deem necessary. To ensure the security and discipline of penal institutions, the Department has to search persons in custody from time to time to prevent them from possessing contrabands, such as drugs and weapons, and engaging in activities breaching the discipline of the institutions.

The searching of persons in custody includes “general search” and “special search”. “General search” refers to the routine searches as stipulated in the CSD Standing Orders and Standing Procedures. Whenever persons in custody leave or enter an institution, leave or enter any location in the institution and after they cease labour, they have to undergo “general search”. Since general search is part of the daily routine duties, we have not kept any statistics on them. “Special search” refers to the specially authorised searches that aim at detecting any contrabands inside the institutions to safeguard institutional security.

Strip search is only required in “general search” when a person in custody leaves or enters the institution, whereas it will be required in “special search” basing on the actual needs of individual cases. Conduct of all special searches must have the authorisation of an officer not lower than the rank of Principal Officer and they have to be properly recorded.

According to the existing records of the CSD on “special searches”, during the past four years (2009 to 2012), the Department conducted a total of 177 524 searches that did not involve removal of clothing and 8 517 searches that involved removal of all clothing, representing a yearly average of about 44 000 and 2 100 cases respectively.

Regarding the above figures, the CSD has not maintained breakdowns on the types of persons in custody being searched and their offences involved.

2. The Prison Rules stipulate that when the CSD conducts search on a person in custody, it shall be conducted with due regard to decency and self-respect of the person in custody. Under normal circumstances, no person in custody will undergo strip search within sight of another person in custody.

If persons in custody have not had any direct contact with outsiders or left the institution, the CSD will usually conduct search without removal of clothing. However, if persons in custody have left the institution and had direct contact with outsiders, such as working outside the institution, they will be arranged to go through strip search.

Before admission to an institution, if a person in custody has direct contact with outsiders when he is not under the supervision of correctional services officers (e.g. newly remanded, or being remanded again after on bail), or is suspected of having internal concealment of contrabands, he/she has to undergo rectal search. Rectal search is conducted by a CSD officer with nursing qualification under the authorisation of a Medical Officer and in the presence of another CSD officer. If a person in custody is physically unfit to undergo rectal search, such as having serious haemorrhoids, rectum cancer, just after having a major surgery or having abnormal mental conditions, he will be diagnosed by the institutional Medical Officer who will give appropriate advice. In sum, the CSD will make appropriate arrangements for individual cases having regard to the physical and psychological conditions of the person in custody concerned as well as security intelligence.

The CSD has formulated guidelines on various types of searches (including strip search and rectal search). During the recruit training, every correctional services staff will receive training related to the procedures of various types of searches. Besides, the Department also provides regular training for the staff to ensure that they are well acquainted with the requirements and procedures of various types of searches.

3. Detailed guidelines have always been in place to instruct CSD staff on how to conduct body search in a proper and consistent manner. The CSD also conducts regular review on the daily work procedures and operation of institutions to ensure that body search is conducted in accordance with the legislation and the procedures stipulated in the departmental guidelines.

Since end-January 2013, the CSD has been putting the low radiation X-ray body scanner to full use in Lai Chi Kok Reception Centre to replace manual rectal search.

4. The CSD put the first X-ray body scanner into full use in Lai Chi Kok Reception Centre at the end of January 2013. In 2013-14, the Department plans to procure an X-ray body scanner each for Pik Uk Correctional Institution, Lo Wu Correctional Institution and Tai Lam Centre for Women and the estimated cost of each body scanner is \$2.86 million. The preliminary work for arranging tender is under preparation. Currently, the CSD has no plan to procure an X-ray body scanner for Shek Pik Prison in 2013-14.

5. The CSD has been using the first low radiation X-ray body scanner in Lai Chi Kok Reception Centre to replace manual rectal search. As the outcome is satisfactory, the Department plans to procure X-ray body scanners for other penal institutions with reception centre functions (such as Siu Lam Psychiatric Centre and Lai King Correctional Institution) to replace manual rectal search. Strip search is an essential security measure to prevent persons in custody from concealing contrabands and the CSD has not identified suitable equipment that can completely and effectively replace strip search.

Name in block letters: SIN YAT KIN

Post Title: Commissioner of Correctional Services

Date: 26.3.2013