

LCQ 2: San Uk Ling Holding Centre

Following is a question by the Hon Tanya Chan and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 6) :

Question:

It has been reported that San Uk Ling Holding Centre (the Centre), which is close to the boundary, was originally used for detaining illegal entrants pending repatriation. During the period from August 5 to September 2 this year, the Police sent, on a number of occasions, persons arrested in "anti-extradition to China" demonstrations to the Centre for temporary detention. Some persons who had been detained have pointed out that the search rooms and detention rooms in the Centre lack proper lighting and partitioning, and some of them have claimed that they were hurled abuse at, brutally assaulted and even sexually assaulted in the Centre by police officers. The Police have not used the Centre again for detaining demonstrators since September 2. In this connection, will the Government inform this Council:

(1) since when the Centre has become a permanent detention facility of the Police; whether there were cases in the past three months that the facilities in the Centre (including detention rooms, search rooms, statement-taking rooms, interview rooms, closed-circuit television systems covering the aforesaid facilities, toilets, lighting equipment, electricity and water supply) were damaged, and whether such facilities are similar to those in most police stations; given that it is the Police's usual practice to send arrestees to nearby police stations for detention, of the specific reasons on each occasion why the Police sent demonstrators to the Centre for detention; the person(s) who made the decision of not using the Centre any more for detaining the arrested demonstrators;

(2) of the total number of demonstrators sent to the Centre for detention during the period from August 5 to September 2, with a tabulated breakdown by the date on which they were arrested, the age group to which they belonged (i.e. aged below 14, aged 14 to 15, aged 16 to 24, aged 25 to 39, aged 40 to 64 and aged 65 or above), gender, whether injuries were sustained at the time of arrest, and whether injuries were sustained inside the Centre; and

(3) whether it has received any information on and evidence of the brutal assault and sexual assault of detainees by police officers in the Centre; whether it has conducted investigations into the allegations of brutal assault and sexual assault of detainees in the Centre by police officers; if such investigations have been conducted and the findings indicate that the allegations are substantiated, of the penalties that have been or will be imposed on the police officers concerned?

Reply:

President,

The Police always strive to protect the privacy and rights of detained persons, including the rights to seek legal assistance, communicate with a relative or friend, receive copies of written record under caution, be provided with food and drink, seek medical attention, etc.

In general, an arrestee will not be detained for over 48 hours. A person, upon being arrested by the Police, will be brought before the Duty Officer as soon as possible to confirm the legality of his/her custody and arrest. The arrestee will then be handed over to an investigation team for further investigation. After that, the Police will decide whether it is necessary to detain the arrestee.

The Police review its detention facilities from time to time. The last large-scale comprehensive review was conducted between 2008 and 2012. Upon review, the Police comprehensively enhanced the relevant facilities. The security and safety-related improvement measures include:

- (a) removing as far as possible secure spots in the detention cells that facilitate tying of knots to inflict self-harm;
- (b) altering all sharp edges in the detention facilities and all wall edges to smooth rounded ones;
- (c) installing panorama mirrors in the detention cells to ensure that there will not be any blind spots when the police officers inspect the detention facilities;
- (d) installing intercom systems to facilitate communication between the detained persons and the officers in charge of the detention facilities; and
- (e) applying non-slippery materials on the floors of the detention cells.

Improvement measures to protect the privacy and rights of detained persons include:

- (a) putting clocks in the corridors of detention cells;
- (b) providing tissues, wipes and personal hygiene packs;
- (c) installing notice boards in the corridors outside detention cells for displaying notices concerning the rights of detained persons; and
- (d) installing hot water shower facilities.

My reply to various parts of the question is as follows:

(1) San Uk Ling Holding Centre (SULHC) in Man Kam To has been in operation since the 1970s and was then mainly used for repatriation of illegal immigrants. Currently, the Police and the Immigration Department jointly use the facility. Similar to other detention centres in general, SULHC meets the basic requirements for safeguarding human rights in terms of its facilities, overall security, as well as protection of the safety, rights, dignity and privacy of detained persons.

SULHC falls under the purview of Ta Kwu Ling Divisional Police Station.

Operating round the clock, it is manned by police officers on morning, afternoon and night shifts who are responsible for managing and guarding detained persons. SULHC has four cellblocks with a total of 16 detention cells inside, which can accommodate around 200 detained persons totally. Each detention cell is equipped with stone beds and toilet facilities, with air-conditioning provided, the design of which is similar to other detention cells in general. Lighting devices are installed inside the cellblocks, with misted glass windows. SULHC also has rooms for interviews. During this period (between August 5 and September 2), there has been no damage report regarding SULHC's facilities.

Demonstrations and conflicts have been ongoing in Hong Kong since June 9. As at October 24, the Police arrested a total of 2 711 people. Given the number of people arrested during police operations, and that various district police stations were busy with their routine operation and the handling of a large number of people arrested in demonstrations, coupled with the different degrees of attack and damage to individual police stations during demonstrations, the Police, having regard to the usage and capacity of detention cells in each police station, decided to handle some of the arrestees in SULHC due to operational needs. This is to balance the workloads incurred by detention in each district, and ensure that preliminary investigation into the arrestees can be completed and decisions on whether to detain the arrestees can be made as soon as practicable so as to avoid any unnecessary delay. In fact, SULHC is more spacious than any detention centre in an urban police station in general, allowing the Police to handle more detained persons.

(2) From August 5 to September 2, SULHC had been used for four times in total to handle a total of 182 people arrested for taking part in public events related to the legislative amendments. Among them, there are 126 males and 56 females, aged between 14 and 62. The four occasions were from August 5 to 7, from August 11 to 13, from August 25 to 26 and from September 1 to 2.

Among the 53 arrestees handled in SULHC from August 11 to 13 2019, 30 claimed that they required medical treatment, with 10 of them reported injuries upon arrival at the centre, while the rest reported different physical illness. No one reported being injured during detention. On the other three occasions when arrestees were handled in the detention centre, no arrestee reported being injured or requested medical treatment during detention.

(3) As at October 31, the Complaints Against Police Office (CAPO) received three complaints related to SULHC, including one complaint regarding allegations of misconduct and impoliteness, and two complaints not made by the aggrieved party which involved allegations of assault and neglect of duty respectively. There has been no complaint relating to the so-called sexual assault of detainees. While CAPO is following up on the complaints, the Independent Police Complaints Council will, upon receipt of all relevant investigation reports, fully examine them based on evidence in a fair, just and impartial manner.

Thank you, President.