

Article 6: Powers of detention

6.1 The position of the CSD and the Police remain essentially as explained in paragraphs 41, 42 and 44 of the initial report.

6.2 The “Policy on Exercise of Detention Powers Conferred by Section 32 of the Immigration Ordinance (Cap. 115)” has been implemented and publicised since October 2008. The ImmD has been issuing the “Guidance to an arrested person on arrest and detention” since January 2010 to help an arrested person understand the legal authority for his arrest and detention.

6.3 With regard to the Law Reform Commission Report on Arrest, the Government has implemented those recommendations that are capable of being effected through administrative means. As regards the remaining recommendations, the Government has set up an interdepartmental working group to further study the implementation details and conduct research on recent developments concerning overseas law enforcement agencies.