

**Society for Community Organization**  
**52, Princess Margaret Road, 3/F**  
**Homantin**  
**Tel: 2713 9165 Fax: 2761 3326**

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**List of issues: Outline of topics under the HKSAR third report under CAT**

Society for Community Organization (SoCO) would like to submit the following list of issues in relation to the government's outline of the topics to be covered in the third report of Hong Kong Special Administrative Region under the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment:

**Refugees**

*1. Legal regime to govern asylum*

- The government should explain why it, despite repeated calls from different UN treaty bodies, does not plan to screen asylum claims under the 1951 Refugee Convention.
- The government should evaluate the effectiveness of having two separate screening mechanisms in place under CAT and the Refugee Convention in terms of a) length of stay in Hong Kong of people who make application under both conventions; b) possible abuse by applicants; c) government resources.

*2. Extending the Refugee Convention to Hong Kong*

- The government should explain the reasons for not extending the Refugee Convention and its 1967 Protocol to Hong Kong

*3. Right to work/resettlement/residence*

- The government should explain whether it has any plans to allow asylum seekers/refugees/CAT claimants to work or volunteer
- The government should explain whether it has any measures in place to help screened in CAT applicants to be resettled to another country or gain residence status in Hong Kong.

## **Strip search**

### *4. Monitoring*

- The government should explain what measures it has implemented to independently monitor the use of strip and cavity searches used by the disciplinary forces, including not only the Police Force, but also the Immigration Department and the Correctional Services Department.
- The government should publish records of body and cavity searches by all disciplinary forces and explain procedures for making such records.

### *5. Strict guidelines*

- The government should list the relevant legislation, rules and guidelines governing body and cavity searches by the disciplinary forces.
- It should further explain whether it plans to put forward any bill to govern searches by disciplinary forces.

### *6. Privacy*

- The government should explain what practical measures are in place to protect the privacy of people held in custody when they are searched.

## **Independent Police Complaints Council (IPCC)**

### *7. IPCC no power to investigate*

- The government should explain whether there are any plans to grant the IPCC investigate powers of complaints and whether its recommendations will be legally binding.

## **Police cell detention conditions**

### *8. Monitoring and legislation*

- The government should elaborate on what measures are in place to independently monitor the conditions in police cells.
- The government should comment on whether it has any plans to amend the Force Procedure Manual and the Police General Orders with reference to PACE<sup>1</sup> Code C (1 February 2008), Chap 49 to include availability of these at police stations; notices of entitlements; provisions to ensure general comfort, including bedding and ventilation; documentation of requests and treatment; attention to people with special needs including people with disabilities and language needs; requirements to keep records of duration of detention of

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<sup>1</sup> Police and Criminal Evidence Act 1984, United Kingdom.

each detainee; requirements about minimum space requirements per detainee in cell.

- The government should explain whether it would empower the Justices of Peace to monitor and visit institutions under the control of the Police.
- It should further comment on the possibility of amending the Justices of the Peace Ordinance Chap 510, and include all institutions under the control of the Police in Schedule 1, Part I on custodial institutions.

### **Bilateral agreements in handling fugitive offenders**

#### *9. Legislation*

- The Hong Kong SAR Government should explain whether it has any concrete plans to establish bilateral agreements with the Mainland China in handling of fugitive offenders and sentenced persons, including those who may receive death penalty.
- Moreover, it should comment on whether such extradition agreements would be in line with the articles stated in the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

### **Hong Kong Residents being detained on Mainland China**

#### *10. Mutual legal assistance*

- The Hong Kong SAR Government should explain whether it has any plans for a bilateral agreement with the Mainland China on mutual legal assistance in criminal matters in order to delegate a legal basis and regulate the cross-border criminal investigation activities.