

CHAPTER 14

DETENTION ARRANGEMENT AT SAN UK LING HOLDING CENTRE

Introduction

14.1 This Chapter deals with the Police use of San Uk Ling Holding Centre (SULHC) for processing and detaining persons arrested on 11 August 2019. On that night, 53 arrested persons (APs) were taken to SULHC, which was activated as a Temporary Holding Area (THA), for post-arrest processing and detention. The use of SULHC, especially in relation to the arrests made on 11 August, had aroused public concern on whether SULHC was suitable for processing APs that gave rise to allegations of police misconduct. This Chapter examines whether SULHC was suitable to serve as a THA and from the IPCC, based on the findings, exercise its function under section 8(1)(c) to identify areas for improvement when the Police has to activate a THA under situations similar to that of 11 August in future.

Background

14.2 On occasions of large-scale arrests, the Police would activate a THA for detention on the instructions of Headquarters Command Control Centre (HQCCC) or High Command (HICOM). The purpose is to ensure the lawful processing and safe handling of APs. THAs would usually be individual police stations with sufficient space for the purpose, for instance an open carpark at a police station.¹

14.3 SULHC had been used to detain APs on four occasions² by Police in handling the Public Orders Events (POEs) arising from the Fugitive Offenders Bill. 11 August was the only occasion that SULHC was used as a THA for post-arrest processing in addition to detention. Such use attracted public concern. On the night of 11 August, a large number of POEs occurred, mostly involving police actions against protesters who used varying degrees of violence against the Police. Multiple roads in multiple districts throughout the territory were blocked. A general picture of these incidents can be found in Chapter 11. A total of 117 persons were arrested on that day. 53 of them were sent to SULHC directly from their scene of arrest, including 29 from Tsim Sha Tsui, 15 from Causeway Bay and nine from Tuen Mun. One was taken to hospital from the scene of arrest before being detained at SULHC. Among the 53 APs taken to SULHC directly, 30 of them requested medical treatment and were

¹ Information provided by HKPF on 2019-12-19

² A total of 182 APs were detained at SULHC on the four occasions: (i) 5 to 7 August 2019; (ii) 11 to 13 August 2019; (iii) 25 to 26 August 2019 and (iv) 1 to 2 September 2019 respectively.

to the North District Hospital by ambulances.

14.4 The 54 APs sent to SULHC on 11 August (including one sent directly to hospital from Tsim Sha Tsui) were being investigated in relation to offences including “Taking Part in a Riot”, “Unlawful Assembly”, “Possession of Offensive Weapon” and “Possession of Ammunition without Licence”. As at 29 February 2020, 29 of them have been charged in Court pending trial, 16 are still under police investigation and nine were released.

14.5 The use of SULHC, especially on 11 August, resulted in different allegations on the internet and in media reports, including APs being assaulted and/or sexually assaulted by police officers³; APs’ requests for medical treatment being denied or delayed.⁴ The Police has openly denied these allegations.^{5,6,7} There were allegations that legal visits requests by both APs and visiting lawyers were denied or delayed.⁸ However, in terms of complaints, the only Reportable Complaint (RC) received by the Police so far is about legal visit arrangements. There was also one Notifiable Complaint (NC) alleging assault of detainees based on information from the internet (see paragraph 14.22 below for complaint details).

³ LIHKG (2019-08-27). 回帶 13 日前 新屋嶺既爆料. Retrieved from

<https://lihkg.com/thread/1511397/page/1>

LIHKG (2019-08-27). 【推上熱門】新屋嶺 -16 歲抗爭者成隻手只剩一層皮連住. Retrieved from

<https://lihkg.com/thread/1511293/page/1>

LIHKG (2019-09-04). 新屋嶺個女仔比人強姦單野係真架!!!. Retrieved from

<https://lihkg.com/thread/1537687/page/1>

⁴ Headline Daily (2019-08-28). 【逃犯條例】北區醫院護士指部分新屋嶺被捕者骨折嚴重 質疑警方濫用暴力. Retrieved from <http://hd.sheadline.com/news/realtime/hk/1578553/即時-港聞-逃犯條例-北區醫院護士指部分新屋嶺被捕者骨折嚴重-質疑警方濫用暴力>

⁵ RTHK (2019-08-29). Lawyers slam use of 'primitive detention centre'. Retrieved from

<https://news.rthk.hk/rthk/en/component/k2/1477563-20190829.htm>

Inmedia.hk (2019-08-27). 促請警方尊重被捕示威者的人權及法律權利. Retrieved from

<https://www.inmediahk.net/node/1066813>

⁶ News.gov.hk (2019-08-27). 警方回應拘留新屋嶺相關指控. Retrieved from

https://www.news.gov.hk/chi/2019/08/20190827/20190827_165319_923.html?type=ticker

Hong Kong Economic Journal (2019-08-28). 警否認新屋嶺虐待性侵 反駁全裸搜身控訴 陳淑莊批

「口同鼻拗」. Retrieved from <http://www1.hkej.com/dailynews/articlePrint/id/2232270>

Hong Kong Economic Journal (2019-08-29). 警指羈留者無骨折表徵 醫局：有兩宗澄清「汽油彈從警員方向擲出」片段被惡意刪改. Retrieved from <https://www1.hkej.com/dailynews/articlePrint/id/2233738>

⁷ Hong Kong Economic Times (2019-08-28). 新屋嶺扣留 6 人骨折 警：被捕反抗傷. Retrieved from

<https://paper.hket.com/article/2438151/新屋嶺扣留6人骨折警：被捕反抗傷>

⁸ Ming Pao (2019-08-12). 【逃犯條例】警阻律師見新屋嶺拘留者 陳淑莊：警用無恥手段剝奪被捕者權利. Retrieved from <https://news.mingpao.com/ins/港聞/article/20190812/s00001/1565571849405/> 【逃犯條例】警阻律師見新屋嶺拘留者-陳淑莊-警用無恥手段剝奪被捕者權利

【逃犯條例】警阻律師見新屋嶺拘留者-陳淑莊-警用無恥手段剝奪被捕者權利

Ming Pao (2019-08-13). 30 人移送文錦渡拘留 警稱無房安排會面 大狀斥警阻 被捕者未見律師已錄口供. Retrieved from <https://news.mingpao.com/pns/要聞/article/20190813/s00001/1565635192236/30人移送文錦渡拘留-警稱無房安排會面-大狀斥警阻-被捕者未見律師已錄口供>

SCMP (2019-09-08). Hong Kong justices of the peace denied entry to police detention centre where anti-government protesters were allegedly mistreated. Retrieved from <https://www.scmp.com/news/hong-kong/politics/article/3026162/hong-kong-justices-peace-denied-entry-police-detention>

Cessation of Using SULHC to Detain APs

14.6 On 26 September, the Chief Executive announced that the Police would stop using SULHC to detain APs.⁹ This was confirmed by the Police on 27 September.¹⁰ Despite the cessation of use, the public continued to be concerned as it gave rise to a number of serious allegations, none of which have so far been supported by complaints or concrete evidence.¹¹

14.7 In view of the public concern, the IPCC considers it necessary, from the perspective of section 8(1)(c) of the IPCC Ordinance, to study Police use of SULHC as a THA.

Sources of Information

14.8 For the purpose of this study, the IPCC has scrutinised the following materials:

- (a) Documents provided by the Police in respect of a summary of detention arrangements in large-scale disorders.
- (b) Information provided by the Police during IPCC visit to SULHC.
- (c) A summary report provided by the Police in relation to the incidents on 11 August with selected entries from the incident log.
- (d) Ambulance Journey Records, provided by Fire Services Department (FSD) in respect of persons injured in the incidents on 11 August.
- (e) A table provided by the Police containing the detention records of SULHC.
- (f) Meeting with the Police for information in respect of the operation of SULHC as a THA and general procedures regarding mass detention.
- (g) Meeting with the Police to view the Detention Registers and Occurrence Books of SULHC.

⁹ SCMP (2019-09-27). Hong Kong leader Carrie Lam sticks to her guns on police inquiry but vows no more protesters will be taken to San Uk Ling Holding Centre. Retrieved from <https://www.scmp.com/news/hong-kong/politics/article/3030566/hong-kong-leader-carrie-lam-sticks-her-guns-police-inquiry>

¹⁰ Sing Pao (2019-09-28). 新屋嶺停用 非因失實指控. Retrieved from <https://www.singpao.com.hk/index.php?fi=news1&id=107073>

¹¹ RTHK (2019-09-27). Thousands rally against alleged police abuse. Retrieved from <https://news.rthk.hk/rthk/en/component/k2/1482990-20190927.htm?spTabChangeable=0>

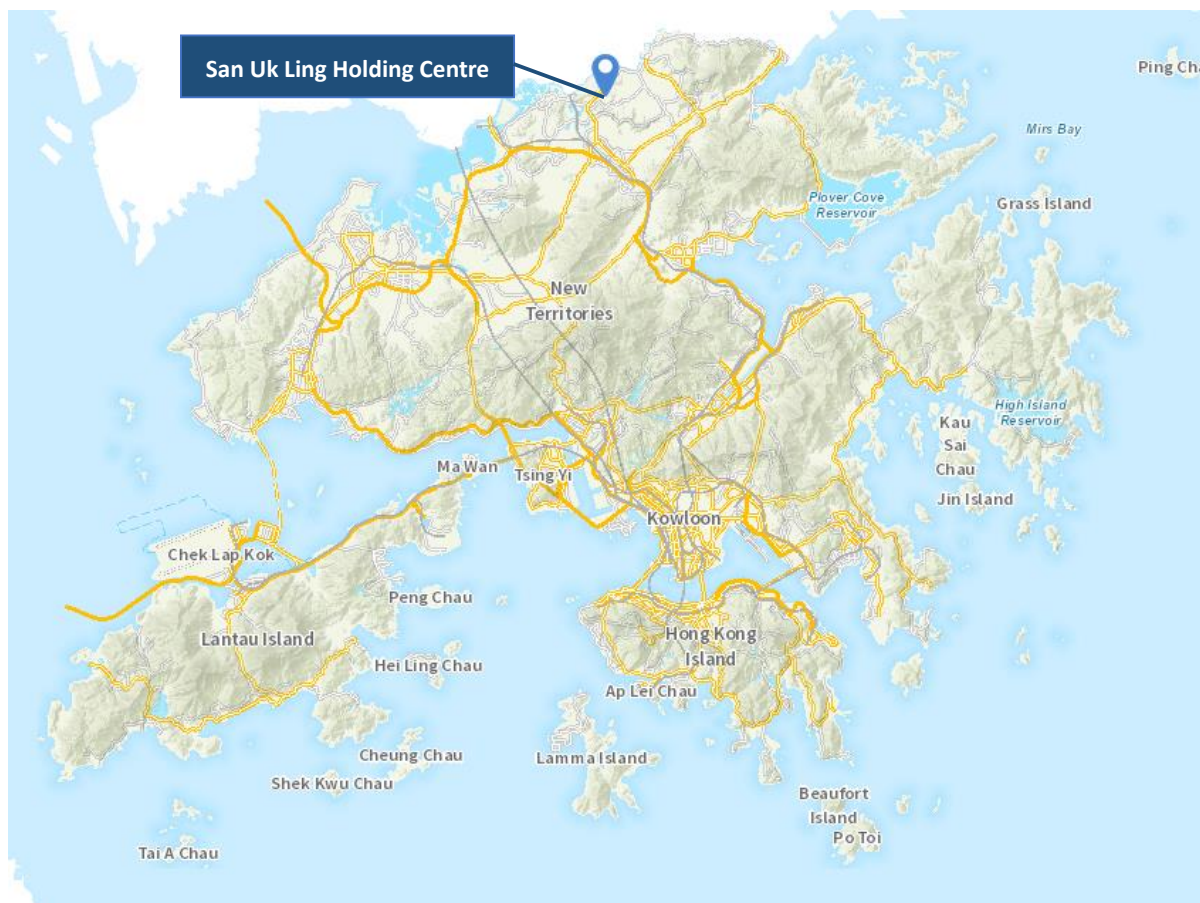
- (h) News reports produced by various newspapers. A total of 79 news reports were examined.
- (i) Press statements obtained from the websites of the Information Services Department (*news.gov.hk* and *info.gov.hk*) concerning the use of SULHC.
- (j) Footage and photos provided by the public upon IPCC's appeal.

Information on SULHC and Its Use on 11 August

Location and Usual Function

14.9 SULHC is situated at Man Kam To, a remote area near the border in the north of the New Territories (see Map 14-1). Prior to August 2019, SULHC had generally been used for post-arrest processing and repatriation of illegal immigrants.¹² The centre is capable of holding around 280 persons.

¹² According to Police, the intakes of illegal immigrants at the Centre in the past 5 years are 806 (2015), 509 (2016), 706 (2017), 597 (2018) and 275 (as of September, 2019).



Map 14-1: Location of SULHC

(Source of base map: Lands Department)

Facilities

14.10 In terms of facilities, there were two telephone landlines for outside communications. One for communications with other Police units and another for communications with external parties. Visitors may contact the officers inside the centre through the landline for external parties. Due to the remote location of SULHC, the mobile network coverage in the vicinity is generally unstable as it would depend on the quality or functionality of one's mobile phone and mobile service provider.

14.11 As for record keeping, no computer record was made on 11 August as the broadband capacity at SULHC was insufficient to ensure a stable connection to the Police centralised computer system. All detention and movement records of APs were done manually. On the night of 11 August, the Police used five Detention Registers for maintaining records of the APs' movement and 14 Occurrence Books for maintaining other records, including legal visits and medical treatment arrangements for them.

14.12 SULHC did not have the detention facilities generally available in police stations, including equipment for video-recording interviews (VRI), designated waiting area for visitors to detainees, CCTV system¹³, and interview room that could ensure full privacy when detainees meet their visitors. At SULHC, there were two rooms available for legal visits on 11 August. One was a room with no door. A board for partition was set up outside this room to provide privacy. The other room had a wooden door with no observation window. The door was kept ajar for security and safety.

Post-arrest Processing of APs at SULHC

14.13 On the evening of 11 August, respective police stations at seven locations, including PHQ, Sham Shui Po, Tsim Sha Tsui, Cheung Sha Wan, Mong Kok, Tai Po and Sha Tin, were under violent attack. According to Police records, SULHC was activated by HQCCC as a THA at 20:20 of 11 August. At 20:43, all HICOMs were informed that THA would be activated at SULHC for detaining all APs. Upon HQCCC instructions, the APs earlier arrested at different areas of Kowloon were taken at around 20:00 to be sent to SULHC for processing. Later, at 21:38, HICOM of Kowloon West was informed by HQCCC to transfer all APs back to Yau Tsim District (YTDIST) for initial processing since there was no computer system at SULHC for recording and processing APs. HQCCC later at 22:13 reinforced this instruction by informing all HICOMs that any new APs would be processed at respective Police divisions before sending them to SULHC for detention. At 22:52, HQCCC decided to take 15 persons arrested in Causeway Bay area to SULHC directly (see paragraph 14.25 below for the reason of the change of decisions).

14.14 According to Police information, the 53 APs directly sent to SULHC from their arrest scenes consisted of four batches (see Table 14-1).

Arrest Location	Number of APs	Time of Arrest		Arrival Time at SULHC	
		Date	Within Time Period	Date	Time
Tsim Sha Tsui	29	2019-8-11	19:35-20:18	2019-8-11	22:26
		2019-8-11	19:35-20:26	2019-8-11	23:35
Causeway Bay	15	2019-8-11	22:01-22:21	2019-8-11	23:55
Tuen Mun	9	2019-8-12	01:25-01:42	2019-8-12	02:35

Table 14-1: Information in relation to the 53 APs' arrest and arrival time at SULHC

¹³ CCTV has been installed on 28 September 2019 to monitor the outer area and the movement along the pathways to the detention blocks.

14.15 Upon APs' arrival at SULHC, receiving officers would make logistics arrangements such as confirming with the arresting or escorting officers the number of APs arrived, cordoning off the corridor area for handling APs. APs were then accompanied by the arresting or escorting officer to meet the Duty Officer (DO) of SULHC for making registration and recording any complaints or request for medical attention. In keeping with detention procedures, APs in a mass arrest would be served with notices informing them of general detainees' rights, such as the right to seek legal assistance and medical attention, and rights when being searched. The officer of the crime team administering the arrest and accompanying an AP to the THA would take the AP to the designated area for enquiry and statement taking.

14.16 On the night of 11 August, the 53 APs were interviewed by the DO upon arrival at the centre. The DO, who was a Station Sergeant, was assisted by four other police officers to go through the initial interview procedures and documentation. In principle, APs who feel they need medical treatment could raise their requests immediately upon meeting the DO and their requests would be recorded accordingly. APs who did not make any request with the DO would proceed to other work stations in the centre for processing, namely initial search, packing personal properties, fingerprint lifting and taking photographs. APs could still request medical treatment in the THA at any station while being processed.

Inadequate Record System

14.17 The record system of SULHC on 11 August were all manually operated, unlike the computerised systems in THAs in other police stations. The manual system proved inadequate for the occasion, as certain information including the data in relation to medical requests was incomplete. According to the Police records, 30 APs were attended to by ambulances but only the requests of 24 of them were recorded. For instance, an AP was recorded to have met the DO at 23:49 of 11 August and was attended to by an ambulance at 06:37 of 12 August, but the time of his medical request was not recorded. In the absence of the record in between the two events (i.e. the time of meeting the DO and the time of ambulance arrival), there was incomplete information as to what actually happened during the period.

14.18 Among the available records for the 24 APs, 12 of them made their requests upon being interviewed by the DO. In response to the medical requests, the Police called FSD for ambulances in batches¹⁴ instead of making individual requests. There was no detailed record as to which ambulance was called for which AP.

¹⁴ A total of seven batches of requests for ambulances were made by the Police for 30 APs

14.19 With respect to records relating to ambulances, FSD has provided real time records retrieved from their computer system. According to FSD records, a total of 30 persons at SULHC were attended to by ambulances on that night, which is consistent with the Police records as to how many persons had requested for medical treatment. According to the Police, in order to cope with the number of requests for medical treatment, SULHC requested further manpower from the Police management for escorting APs to the hospital. Officers were subsequently deployed to reinforce the escort duty at SULHC.

14.20 The issue of incomplete data also exists in the records about legal visits. According to the Police, 50 interviews were arranged for 39 APs at SULHC on request by lawyers or by APs themselves. The records contained data when the 50 interviews started and ended. However, as to the time of requesting the interviews, only those of 23 APs were recorded. Among these 23 APs, a total of 26 requests were made, 17 by lawyers and nine by APs. The earliest request for legal visit was made by lawyers at 02:10 on 12 August whereas the first one made by APs was at 06:34 in the same morning. All 26 requests were entertained, with three APs interviewed with lawyers twice. No time entry of requesting legal visits was available for the remainder of APs. Based on available records, lawyers initiated most of the legal visits requests and they were made generally earlier than those made by APs.

14.21 According to the Police, some of the APs needed to have VRI on the night of 11 August. They were subsequently transferred to other police stations for conducting VRI.

Complaints against Police

14.22 The use of SULHC gave rise to one RC and one NC¹⁵ as of 29 February 2020. The RC was lodged by three lawyers alleging that the Police had delayed access to their clients at SULHC in the small hours of 12 August 2019 and then failed to arrange a proper room for interview with their clients. The NC was about police officers assaulting APs at SULHC. This NC was lodged by persons not directly affected but upon learning the information from the internet.

¹⁵ There is another NC in which SULHC was mentioned. The relevant allegation in that NC concerned the lack of arrest action against people who spread rumours about what happened in SULHC.

Police Response

Reason of Using SULHC as a THA

14.23 Regarding the considerations in activating SULHC to process APs directly on 11 August, the Police explained that the handling of APs may vary case by case depending on a number of factors including but not limited to the merits of individual cases, safety of APs and officers. On 11 August, there was widespread disturbance in various areas in Hong Kong. Many police stations that could normally be used as THA were under attack that night or were too close to the areas of disturbance.¹⁶

14.24 The Police considered it necessary to identify a safe and sizable location to handle the large numbers of APs. The Police found SULHC the most suitable for detaining APs with its capacity, high level of security, distance from areas of disturbance and the low risk of attack by protesters.

14.25 With respect to the changes of decision on the use of SULHC as THA on 11 August, the Police explained that at 20:20 that night, HQCCC decided to activate SULHC as THA for processing APs. However, after considering the operational deficiency of SULHC due to the lack of computer systems to record and process the handling of APs, a further instruction was therefore made at 21:38 that detained persons should be processed at respective police stations before being sent to SULHC for detention. After further deliberation, HQCCC decided that the detained persons already being transported to SULHC would not be transferred back to YTDIST, taking into account their safety and the security en route. Likewise, they instructed that the 15 APs in Causeway Bay were also to be directly sent to SULHC where manual recording of APs' details would be conducted.

14.26 When transporting the APs to SULHC on 11 August, the Police encountered the following problems:

- (a) Large road junctions were blocked by barricades;
- (b) Violence on-street was ongoing and it took time to arrange for sufficient escorting officers; and
- (c) There were coaches held up at the unnamed one-way road connecting SULHC and Man Kam To Road.

¹⁶ Seven police stations were attacked on that night: PHQ in Wan Chai, Sham Shui Po, Tsim Sha Tsui, Cheung Sha Wan, Mongkok, Tai Po and Sha Tin.

Medical Arrangements

14.27 The Police explained that in order to fulfil their duty of care to persons in police custody, police officers will pay special attention to the physical condition of all arrested / detained persons. In general, whilst all police officers are professionally trained with first aid knowledge and skills, immediate care will be applied to those who are injured and medical treatment will also be arranged if considered necessary. Police further explained that when the APs arrived at SULHC, it was duly noted that for those with apparent injuries, the handling police officers had applied first aid. In addition, the Police at a press conference back on 27 August had explained that due to the large number of requests from APs for medical treatment, it was necessary to give priority to those with more serious injuries.¹⁷

14.28 The Police further stated that injuries of the APs were not caused while under police custody at SULHC. One injured AP was sent from the scene to the hospital directly for medical treatment, whereas other injured APs were given first aid as circumstances allowed at the material time. As at 29 February 2020, no CAPO complaint was made by any AP concerning alleged assault in SULHC.

14.29 The Police elaborated that in general, once the detained persons had made their request for medical treatment, officers at SULHC would immediately request for ambulance service. On the material night, there were circumstances that some detained persons had changed their mind upon the arrival of the ambulance. Example would be that the ambulance had arrived in the small hours while the detained persons preferred to proceed with their medical treatment later in the morning instead. Albeit such circumstances were not recorded due to the busy work at the time that SULHC was in operation, officers had made use of the best available resources to deal with the mass arrests.

Legal Visits

14.30 Regarding arrangements for legal visits, the Police explained that when some lawyers arrived at the main gate of SULHC for meeting APs, officers manning the main gate did not inform the officers inside and instead advised the lawyers to call the centre. Calls from lawyers were handled through the only landline available at the centre. The officers inside SULHC had knowledge of this only when the lawyers eventually succeeded in calling the centre

¹⁷ News.gov.hk (2019-08-27). 警方回應拘留新屋嶺相關指控. Retrieved from https://www.news.gov.hk/chi/2019/08/20190827/20190827_165319_923.html?type=ticker
Hong Kong Economic Times (28 Aug 2019). 新屋嶺扣留 6 人骨折 警：被捕反抗傷. Retrieved from <https://paper.hket.com/article/2438151/新屋嶺扣留6人骨折警：被捕反抗傷>

to check whether their clients were there.

14.31 The records on legal visits were made manually under hectic and chaotic circumstances so that errors might be possible. At a press conference on 27 August, the Police denied any intention to disallow detainees to meet with lawyers. They stated that all the APs detained at SULHC on the night of 11 August had been informed of their rights of meeting lawyers. Some volunteer lawyers, who were not engaged by APs at SULHC, arrived and asked to meet APs that night to offer services pro bono. The Police had explained the procedures to them and later arranged for interview with the relevant AP for them. If an AP had requested to meet lawyers, the Police would take cautioned statements from them only after the lawyers had arrived. The Police emphasised that the decision whether or not to meet lawyers was independently made by each individual AP. To preserve AP's privacy, the Police wished to make all interviews in one-to-one mode. However, there was a vast number of APs but only two interview rooms. Eventually, some APs and their lawyers agreed to be interviewed in small groups.¹⁸

IPCC Observations

Inadequate Facilities

14.32 Prior to August 2019, SULHC had not been used as an arrest processing facility. Its structural limitations made it not at all ideal for processing APs and particularly not for mass detention. For instance, there was no CCTV system, a basic security system for handling APs. In the event of public accusations, CCTV footages would provide evidence for support or rebuttal. Moreover, while the IPCC appreciates the challenges the Police faced in processing a large number of APs, any omission of detention records is not satisfactory. When SULHC was used as a THA on 11 August, there was no centralised computer system, as was available in the police stations used as THAs. This led to inability to keep a complete set of records, including those regarding medical requests and legal visits. A desirable THA should be equipped with adequate facilities to enable accurate and contemporaneous records in relation to the detention and movement of APs. This would serve as credible records when audit trail is needed or when the records are tendered as evidence in Court, as is possible when statements (whether made under caution or not) given by APs are challenged. The IPCC notes that these inadequacies at one stage prompted Police senior management to re-consider the use of SULHC

¹⁸ News.gov.hk (2019-08-27). 警方回應拘留新屋嶺相關指控. Retrieved from https://www.news.gov.hk/chi/2019/08/20190827/20190827_165319_923.html?type=ticker
Apple Daily (2019-08-28). 拘 15 少年 兒童之家羈留. Retrieved from <https://hk.news.appledaily.com/local/daily/article/20190828/20757462>

as a THA on 11 August after it had been activated. However, when it became clear that many police stations that could normally be used as THA were under attack that night or were too close to the areas of disturbance, there was no alternative but to stay with the decision. This experience will inform future planning, if police stations again become unable to cope with large numbers of APs.

14.33 There was no parking area or waiting area for visitors to SULHC. Lawyers had to wait outside the centre at midnight on 11 August. When lawyers were admitted inside the centre to meet their clients, there was no proper interview rooms that could ensure complete privacy. The number and setting of interview rooms were simply not commensurate with the need, thus leading to long waiting time. The result was dissatisfaction from the legal profession with the arrangements for legal visits at SULHC.

14.34 As a THA handling a large number of APs at the same time, outsiders visiting APs at the centre, such as lawyers and family members of the APs, would need to contact the officers there. However, there was only one landline available for outside communications at SULHC. Lawyers could only call this single landline to contact the officers inside SULHC. Moreover, the mobile network in the area of SULHC was unstable (also see paragraph 14.38 below). It was therefore difficult for the lawyers to make calls and successfully reach out to the officers of the centre.

14.35 According to the relevant Police guidelines, VRI is to be used for cases in which the venue of trial may reasonably be expected to be the District Court. On the night of 11 August, APs might be expected to have been involved in riot-related offences for which the likely venue of trial would be the District Court. However, there was no VRI facilities at SULHC. As a THA activated for use during large-scale POEs, there should be such facilities available to avoid unnecessary logistics arrangements and movement of APs.

Remote Geographical Location

14.36 The remote geographical location of SULHC made for long the journeys for transporting APs from different arrest locations. This was further aggravated by the extra difficulties the Police encountered on 11 August as mentioned in paragraph 14.26. The journeys to SULHC for the 53 APs that night were largely in terms of hours. In principle, persons under arrest should be brought to the nearest police detention facility as soon as practicable. Long commuting time is not desirable under any circumstances. In extreme situations like 11 August, some APs might have already suffered injury at the time of arrest. In fact, Police records suggested that at least 12 APs had made medical requests immediately

upon meeting the DO at SULHC on 11 August. Against such background, transporting APs to a remote site like SULHC with long commuting time, coupled with inadequate facilities and the lack of contemporaneous and accurate records for audit trail, is not only undesirable but also vulnerable to speculations. In any event, any APs found injured at the time of arrest should be sent to hospital from the scene of arrest directly for medical treatment instead of being taken to police detention facilities first.

14.37 From the perspective of outside visitors, making visits to APs at SULHC was difficult as there is no parking space at the centre and only very limited public transportation is available in the vicinity. For those who take public transport to SULHC from city centre, it would probably take more than an hour. This is not desirable and might be considered as hindering APs' rights of being visited by interested parties like lawyers and family members.

14.38 Due to the remoteness of SULHC, the mobile network coverage in the area is unstable. Officers inside the centre might not be able to use their mobile phones to communicate with outsiders. As explained by the Police regarding the situation on the night of 11 August, officers on guard at the main gate did not inform the officers inside SULHC and instead advised the lawyers to call the centre. Lawyers arriving at SULHC might not be able to use their mobile phones to call the landline of the centre and were thus left with no means to contact police officers. A choice of a less remote site as a THA would reduce the risk of communications breakdown.

Manpower Strained

14.39 There was only one DO with four police officers to support his administrative work on 11 August. Such manpower strength was inadequate for the heavy administrative workload from the large number of APs on that night, such as arranging medical treatments and legal visits as well as maintaining accurate and contemporaneous records for these arrangements. In fact, the Police was unable to maintain a complete set of records in relation to the medical treatment and legal visit arrangements for all APs due to the chaotic situation.

14.40 In terms of logistical arrangements, SULHC had to request further manpower for escorting injured APs to hospital. Officers were subsequently deployed to reinforce such duty. This demonstrated that the original manpower allocated for operating SULHC as a THA was not sufficient to cater for extra contingencies.

Recommendations by the IPCC under Section 8(1)(c) of IPCC Ordinance**Manpower**

14.41 The arrest of a large number of APs at many locations on 11 August clearly presented logistical and law enforcement challenges for the Police management and the officers on site. The law enforcement challenges were of two different kinds: (1) maintaining law and order in the face of widespread continuing violent protests, and (2) dealing with a large number of APs spread over a large number of places. When faced with continuing violence, commanders on site would have no alternative but to give priority to crowd dispersal, clearance of blocked traffic routes and protection of the lives and property of those affected by the protests. However, those arrested do have the right to be read their rights and to have access to medical attention while at the same time for APs reasonably suspected to have committed crime, adequate arrangements must be made by the Police Force to perform its duty of bringing such persons to justice. This is an important balance of priorities which the IPCC recommends that the Commissioner of Police (Commissioner) should review.

14.42 In a situation where large numbers of arrests were likely, the Commissioner should review riot control manpower requirements with a view to strengthening the logistical and manpower deployments to deal with APs during large-scale POEs. The IPCC notes that crime wing officers were already deployed in POEs to deal with arrests. However, equal attention should be devoted to ensuring that APs are aware of their rights and are given access to timely medical attention. There are already Police guidelines for reading rights to APs and ensuring that persons injured are given access to medical treatment. This review should consider whether current guidance are sufficiently clear to ensure the attainment of the dual objectives of (1) maintaining law and order and (2) bringing offenders to justice while respecting their rights. This review should also consider whether the Police Force need augmentation in training, manpower and technology, bearing in mind the possibility of future large-scale POEs in which there could be large numbers of APs.

14.43 As to manning a THA, the experience on 11 August suggests that more manpower resources, along with improved facilities (see paragraph 14.44 below), should have been allocated to ensure the effective and efficient discharge of the Police administrative work in handling a large number of APs at the same time. For instance, all medical requests should be attended to immediately, instead of being handled in batches. Manpower is one of the areas that the Police should look into for achieving this.

Facilities

14.44 The Police would use police stations as THAs to process and detain APs, where sufficient space (such as carpark, waiting areas for visitors to APs) and facilities (such as stable connection to the centralised computer system and adequate telephone landline system) for processing APs are available. In this respect, the IPCC has in 2019 visited police stations where the Police Force was rolling out enhancements of the facilities for processing and detaining APs.¹⁹ The IPCC was informed that these facilities have been designed to ensure that APs are informed of their rights, that legal visits are facilitated to protect client/lawyer confidentiality and that there are adequate safeguards for APs during detention. These facilities also established an audit trail involving archived CCTV footage and computer records which can be used for supervision and complaint investigation. The IPCC recommends that these enhancements should be implemented soonest possible in all police stations. If a place outside a police station is used as a THA in future, then such THA should have equivalent facilities as those in police stations.

Location

14.45 It is understandable that, when deciding on a place to serve as a THA in case of extreme situations, the Police needs to strike an optimal balance between the accessibility of the THA and the risk of it being attacked. In the case of 11 August, SULHC was too remote and some of the outside visitors to APs might have been left with no means of contact with SULHC upon arrival because the mobile network coverage was unstable in the area. The structural setup in the centre and limited public transport access to the vicinity also made these visits difficult. With regard to the transportation of APs, long journey should be avoided in an extreme situation where APs might have been injured at the time of arrest. Having absorbed the experience of 11 August, the Police should consider identifying less remote sites as THAs in case such need arises in future. The location should also take into account the availability of hospitals and ambulance depots within reasonable distance.

Conclusion

14.46 SULHC was undoubtedly capable of holding a large number of APs but with its limitations in setup and equipment, it was not suitable for use as a THA on that occasion. Future THAs for mass arrests must be designed to match the standards now available in police stations for processing and detaining APs and operated with separate logistical and recording

¹⁹ IPCC Press Release (2019-04-04). IPCC visited the enhanced detention facilities at the North Point Police Station. Retrieved from https://www.ipcc.gov.hk/doc/en/pr/pr_20190404_e.pdf

arrangements to deal with APs as recommended above. The Police should also review and design a policy of requirements or factors for consideration in identifying a venue to be designated and activated as THA for mass arrests.