

Annex I to LCQ9

Legal Basis of each LEA for its Body Searches of Arrestees and Detainees

HKPF

Section 50(6) of the Police Force Ordinance (Cap 232) authorises police officers to conduct body searches of arrestees.

C&ED

Section 17(A) of the Customs and Excise Service Ordinance (Cap 342) authorises C&ED officers to search any persons suspected of having committed specified offences.

ImmD

Section 56(1) of the Immigration Ordinance (Cap 115), sections 12(1) and 12(3) of the Immigration Service Ordinance (Cap 331), and provisions of the Immigration (Treatment of Detainees) Order (Cap 115E) and Immigration Service (Treatment of Detained Persons) Order (Cap 331C) authorise immigration officers to search arrestees and detainees.

CSD

Rules 9 and 10 of the Prison Rules (Cap 234A) authorise CSD officers to conduct search on every person in custody upon his admission, and subsequently at such times when the officers in charge deem necessary to prevent persons in custody from possessing contrabands, such as drugs and weapons, and engaging in activities upsetting the order of the institutions.

ICAC

Section 10C(1)(a) of the Independent Commission Against Corruption Ordinance (the Ordinance) (Cap 204) empowers ICAC officers to search any person if it is reasonably suspected that such person is guilty of any of the offences under the purview of ICAC referred to in section 10 of the Ordinance.

In addition, paragraph 7 of the Independent Commission Against Corruption (Treatment of Detained Persons) Order (Cap 204A) also stipulates that upon detention of a detainee, he shall be searched thoroughly before being placed in any detention room.