

POLICE GENERAL ORDERS

CHAPTER 30

PROPERTY

Definitions

08/10

Nomenclature

Post titles of DC/DVC/ADC ADM/ADVC ADM and CIP ADM refer to the officers performing the post role and includes any officers performing those functions in other Formations.

Authorised Representative

'Authorized Representative' of an owner for found property includes:-

- (a) a Consul or other official representative of any country, or that person's duly instructed agent;
- (b) a manager of an airline, hotel, hostel, travel agency or other bona-fide organization engaged in the tourist trade, or that person's duly instructed agent;
- (c) the legal representative of the owner, provided he or she is a barrister or solicitor, or the clerk of a barrister or solicitor; and
- (d) a relative, friend or servant of the owner.

Property

'Property' includes:-

- (a) Case Property;
- (b) Found Property; and
- (c) Intestate Property.

Note: Detained Persons' property is dealt with at PGO/FPM Chapter 49.

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Case Property

'Case Property' means all property, other than Detained Persons' property, which comes into the possession of the Police in connection with any offence or any suspected offence.

Property Officer

'Property Officer' means a nominated police officer or civilian counterpart employed on property duties, or outside office hours, a Duty Officer (DO).

Property Control Officer

'Property Control Officer' means the officer who administers and controls property on a daily basis, the ASSUC or PO SUC, or in stations or Formations where there is no ASSUC, an Inspectorate Officer nominated by a Superintendent. Also an officer with the responsibility for overall supervision of all property, the ADVC ADM, or in the absence of such a post, an Inspectorate Officer nominated by a Superintendent.

Valuable Property

'Valuable Property' means any single item of cash in excess of \$1,000, any article of property believed to be worth in excess of \$1,000, personal cards seized for evidential purposes which may be used in direct cash transactions, and all betting slips and related documentary evidence.

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Property shall be stored in a secure place in a police station or Formation, administered and controlled by a Property Control Officer. The ADVC ADM shall be responsible for the overall supervision of all property.

2. If an owner of case or intestate property demands a receipt, the owner shall be referred to the ADVC ADM or Inspectorate Officer responsible for property who, after being satisfied as to the owner's undisputed right to the property, shall issue a receipt.

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Details of the following property shall be maintained in CMIS:-

- (a) Miscellaneous Case Property;
- (b) Crime Case Property;
- (c) Found Property;
- (d) Intestate Property; and
- (e) Arms Exhibits.

2. Property brought back to a police station in connection with obstruction offences under section 4A of the Summary Offences Ordinance, Cap. 228 or section 53 of the Hawker Regulation, Cap. 132AI and which is subsequently returned to the owner shall be recorded in the CMIS. The DO shall request the owner to sign in the Property Receipt generated from CMIS on receipt of the property.

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3. The following information shall be entered in the CMIS for 'Documentary evidence' of these categories:-

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| 8/02 | Bank statements | - number of pages, name of account holder, bank, type of account, account number and period of the statement; |
| | Witness/Caution Statements | - number of pages, name of witness/arrested person, date and time of the statement; |
| | Personal Cards | - total number of cards, card holder, A/C number (if any). Seal them in a transparent Tamper Evident Property Envelope (TEPE); |
| | Photographs | - include total number of photographs, whether black and white or colour, seal them in a property envelope marked with the corresponding item number and serial number of the relevant Pol. 69A generated from the CMIS; |
| | Slips of Paper Containing Telephone Numbers, Names/Newspaper Cuttings | - include total number and seal them in a property envelope marked with corresponding item number and serial number of the relevant Pol. 69A generated from the CMIS; |
| | Invoices/Receipts | - number of pages, serial number, name of company, date of issue and amount; and |
| | Photo-copy of Documents | - to be handled as above, except that the word "original photo-copy" is to be highlighted in the Pol. 69A generated from the CMIS. |

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4. The seizing/finding officer, shall then take the property to the Property Officer on duty and deposit it. A property label (Pol. 195) shall be completed by the seizing/exhibits officer in respect of each exhibit envelope or large individual item of property. If an exhibit envelope is used, the Pol. 195 shall be placed inside the envelope and be clearly visible from the outside.

5. The Property Officer before taking over the property shall carefully check the property against particulars of its CMIS record. The seizing/finding officer shall authorize the handover of the property in the CMIS. All movements of arms exhibits stored in Formation armouries shall be recorded in the CMIS.

6. On taking property into his/her custody, the Property Officer shall ensure that a Pol. 195 has been properly completed by the seizing/finding officer for:-

- (a) non-valuable property; and
- (b) valuable property which is individually too bulky to be securely sealed.

7. Arms exhibits shall be kept in the Formation armoury, entered in the Formation's Pol. 820 and cross referenced with the Pol. 69A. Should the relevant Pol. 69A not be available at the time, the exhibits are brought to the station, action shall be taken in accordance with paragraph 4 above. The DO shall ensure that the serial number of the Pol. 69A is entered in the Pol. 820 as soon as practicable thereafter. 04/06

8. Where case property has been transferred to another station/Formation through CMIS for further action, the officer-in-charge of the case shall ensure that the property is duly recorded in CMIS and a new RN and Pol. 69A serial numbers will be generated. 04/06

9. The ASSUC shall, in stations that do not operate a 24 hour Property Office, ensure that all details of properties are entered into CMIS, and forward the property and transfer it in the CMIS to the Property Office at the commencement of each working day. Crime Wing Headquarters' Bureaus, e.g. NB, CCB, OCTB, etc. and Marine Sea-going Units will adopt the same procedures. 04/06

Found Property Handed to a Police Post or NPO

10. Found property handed in to any police post or neighbourhood police office (NPO) not entered into CMIS, shall be recorded in the OB, and as soon as practicable sent with a memorandum under cover of Despatch Schedule Pad (GF 121) to the parent Formation. If the property appears to be valuable property, it shall be immediately transferred to the parent Formation. Particulars of the property shall be recorded in CMIS, the GF 121 and Pol. 69A serial number generated from the CMIS shall be recorded in the OB of the NPO concerned. Where found property is returned to the owner at an NPO, before being despatched to the parent Formation a memorandum to this effect shall be completed and sent to the parent Formation for a letter to finder of found property (Pol. 68E) to be sent to the finder.

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Cash, watches, articles made partly or wholly of precious or suspected precious metal or gems, driving licences, identity cards, passports, public transport season tickets or cards, Octopus Card, bank account passbooks, cheques, travellers' cheques, credit and cash dispenser cards, and any other items which, in the opinion of a Property Control Officer, require secure storage shall be sealed in a TEPE and kept in a safe or strongroom under the control of a Property Control Officer, Property Officer, or the DO when he or she is a Property Officer and in receipt of such property outside office hours. Any single item of cash in excess of \$1,000, any article of property believed to be worth in excess of \$1,000, personal cards seized for evidential purposes which may be used in direct cash transactions, and all betting slips and related documentary evidence shall be classified as valuable property.

2. The following procedures are to be adopted in relation to valuable property to be seized as an exhibit:-

- (a) All valuable property exhibits are to be checked and verified, and in the case of cash, the amount be confirmed before being sealed inside a TEPE at the scene. Two officers will be required to sign on the TEPE, i.e. the seizing officer and one other witnessing officer.
- (b) If applicable, the property owner or the arrested person is to confirm the items seized by signing on the TEPE.
- (c) On return to the police station, if the TEPE is required to be opened for further processing such as examination, or repacking the TEPE, the procedures outlined in PGO 30-03 (5)&(6) will be followed.
- (d) When the valuable property is handed over to the Property Officer, the procedures outlined in PGO 30-03(4)-(6) will be followed.

3. The procedures outlined in PGO 30-03(2) may only be waived by an Inspectorate Officer, who is responsible for the investigation and seizure, on the ground that it is impracticable to do so. This decision may only be made due to the condition at the scene making the procedures unsuitable, absence of appropriate equipment, bulky nature of the exhibit or other safety or security considerations. In such a situation, the Inspectorate Officer will record the grounds for such a decision in his/her notebook and adopt all other provisions except PGO 30-03(2).

4. On receipt of an item of valuable property, the Property Officer shall, in the presence of the seizing officer, complete the property description panel on the front of the envelope, insert the property and seal the envelope ensuring that the pre-gummed area of the flap seals the open end of the envelope completely. Both the seizing officer and the Property Officer shall sign the property description panel. The Property Officer shall then enter the unique number of the TEPE in the CMIS.

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5. When a TEPE is to be opened, this shall be done by cutting the bottom of the envelope, as indicated on the envelope by the words 'to remove contents cut along the dotted line to here'. Under no circumstances shall the sealed top of the envelope be tampered with.
6. Where a TEPE is opened and the contents are to be retained by Police, the opened TEPE shall be folded and placed inside the new TEPE, with the contents and the new TEPE unique number recorded in the CMIS.
7. TEPEs shall be retained by the Duty Officer and the Property Officer and shall not be used for any other purpose than the safe keeping of valuable property and detained persons' property, or supplied to any other officer, without the permission of the District Commander, or equivalent. 4/02
8. The Property Officer, Duty Officer or OC Case who returns the property sealed inside a TEPE to its owner/claimant shall open the TEPE in the presence of the property owner/claimant and shall cut the part of the TEPE containing personal data into pieces to prevent leakage of such information. 02/11
9. Items of property which are too large or valuable to be accommodated in a property store, safe or strongroom shall be brought to the attention of the ADVCA ADM who shall personally designate in which property store or other secure area the items shall be retained. 02/11
10. Police cellblocks are purposely built and designed for the detention of arrested persons. Items of property or exhibits of toxic or inflammable nature, shall not be stored in police cellblocks.
11. When spare storage space for bulky exhibits or items of property is required, the availability of storage locations in neighbouring formations shall be explored in the first instance. Should this not be feasible, the P&D Branch (Maintenance & Support) should be consulted as to alternative available secure storage locations under the control of the Force. The Unit/Formation requesting to store items of property in storage locations in neighbouring formations or alternative locations under the control of formations in other Regions is responsible for the delivery, disposal and documentation of the properties, as appropriate.
12. Any decision to store bulky exhibits in police station cells shall only be taken after the options in para. 11 above have been fully explored and shall be personally endorsed by the respective Divisional Commander or SP equivalent officer, who shall also ensure that the relevant reason and justification are detailed in the 'Remarks' column for that particular exhibit or item of property in CMIS. 26/13

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08/10 **30-04 Property Discovered Missing**
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When property which is in Police custody is discovered missing, the officer discovering such loss shall make an immediate report to the DVC.

2. The DVC shall:-

- (a) cause a report to be made in the CMIS;
- (b) inform the DC of the circumstances as soon as practicable and in any case within 24 hours;
- (c) as soon as possible during office hours make a telephone report to STA FC;
- (d) submit a written report to the STA FC within 24 hours;
- (e) within seven working days, submit to the Major Formation Commander through the DC a MIR recommending what action should be taken;
- (f) where any discrepancy is discovered in the contents of a TEPE and the description of the contents as listed on the Pol. 69A or the envelope itself or, where there are suspicions that the TEPE has been tampered with, examine the sealed TEPE for signs of tampering, and if required, send the envelope to the Government Chemist for examination; and
- (g) if theft or other crime is suspected, ensure the case is transferred to DIT/DVIT for investigation and note this fact in the MIR.

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30-05 Case Property

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The recording and storage of all case property shall be administered by the ADVC ADM or by an Inspectorate Officer nominated by a Superintendent. 8/02

2. Unnecessary movement of case property shall be avoided.
3. The print-out of the Pol. 69A shall be included in every MIR, CIR or case papers. If the print-out is not available, a list of case property shall be prepared and will show the Pol. 69A's reference number of each item and be included in the file.
4. The OC Case shall be responsible for ensuring that all crime PEN messages contain the Pol. 69A reference number relating to the property which may have been seized, found or recovered in connection with the case.
5. The OC Case shall insert the Pol. 69A's reference number of property connected with a particular case in the "CCR/RN/Other Ref. No." column of the Inspectors' Case File Register. The case shall not be considered completed until it is ensured such property has been finally disposed of in accordance with PGO/FPM or a court order.
6. When any exhibit, documentary or otherwise, is produced at court and retained by the court, the exhibit officer or OC Case shall:-
 - (a) obtain from the prosecutor the court exhibit number and inform the Property Officer upon return to station; and
 - (b) ensure an entry to such effect and the court exhibit number is made on the relevant Pol. 69A.
7. The OC Case shall, subject to the direction of the court, ensure that all exhibits are available in court at every hearing. Consideration should be given for an application to be made to the court, through the prosecuting Counsel and with the permission of the defence Counsel, for high value or bulky property to be retained by Police, pending the court's directions, after its initial production as an exhibit. If an item of case property is likely to be required for production as an exhibit in another case pending before a court, or under investigation, this shall be brought to the attention of the court and a request be made that a confiscation order not be issued in respect of that item.

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Opening of TEPE in Court

- 14/22 8. If a Judge or Magistrate orders that a TEPE be opened, it shall be resealed in open court by the OC Case or the Court Prosecutor. It should be resealed in a new TEPE, witnessed and signed by the Court Clerk. The Court Prosecutor shall sign it to witness the fact that the exhibit has been resealed. The original TEPE is to be sealed along with the property unless there is good reason not to do so and a record made of the reason. A memorandum signed by Court Prosecutor explaining the circumstances under which the TEPE was opened shall be attached to the new envelope and returned to the formation concerned. The property Control Officer shall attach the memorandum to the new TEPE. The unique number of the new envelope shall be recorded in the CMIS.
- 8/02 9. The OC Case shall, depending on the circumstances of the case and in the light of information available, make provision for the safe custody of exhibits both in transit and at court, in particular, cash, gold, jewellery or other items of high value. This may include the positioning of armed UB or Crime duties outside the court room to check and, if necessary, stop and search all spectators entering the court, as well as any other security precautions thought necessary. UB duties will be provided by the Division in which the court is located whilst Crime duties will be provided by the parent unit of the OC Case. Any such security arrangements shall be made after prior consultation with the Registrar, High Court, in respect of cases heard in the High Court, the Deputy Registrar in respect of District Courts and the First Clerk and officer-in-charge of the court in respect of Magistracies. [Details of security procedures are set out in CP's Confidential Order – Security Operations at Court Hearings – (26) in CP/CON 42/13 Pt. 3 refers]. Where neither the ownership of high value or bulky exhibits nor the exhibits themselves are in issue, consideration should be given to reaching an agreement with the defence to request the court to accept photographs of the exhibits in lieu of production thereof.
10. Case property firearms and/or ammunition shall be securely retained in a police station armoury or other secure place personally approved by D OPS. Such case property will be accompanied by the written authorization of the OC Case. If they are taken out of the armoury or secure place for court proceedings, they must be returned to the same place, if not retained by court, at the end of each day's proceedings and at the conclusion of the hearing or trial.
11. Police notebooks to be offered as evidence in court shall be treated as case property.
12. Where an OC Case makes a recommendation not to proceed with any investigation, for whatever reason, the OC Case shall ensure that the Property Office is instructed to return any property connected with the case to the rightful owner. The Property Officer shall then be responsible for the completion and despatch, by registered post of a 'Notice of Collection of Property' letter, to the lawful owner, noting that if the property is not collected by a specified date, it shall be disposed of by the Police.

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30-06 Found Property17/04
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A person, other than a police officer, who hands any found property into a police station shall be given a property receipt (Pol. 68D). It will be further recorded on the original and duplicate copy of the Pol. 68D whether the finder wishes to reclaim the property after the specified expiry date. If the finder indicates the wish to claim the property, the finder will be informed at which police station it can be collected. The finder's signature will be obtained and countersigned by the officer taking the report who will also legibly append his/her rank and number. A receipt shall be forwarded by registered post to any person who hands property to a police officer at any place other than a police station. The serial number of the Pol. 68D shall be recorded in the CMIS. In the event of the finder refusing to accept a receipt, an entry 'receipt refused' shall be made in the CMIS. The finder shall be told that if the property remains unclaimed after three months, it may be claimed and a note that the finder has been so advised shall be made in the Pol. 69A. If the property is claimed by the owner, or an authorized representative, the finder shall be notified on Pol. 68E.

2. Property found in those parts of a Government building to which the public have access when the building is open shall be deemed to have been found in a public place and shall be administered and disposed of in accordance with the provisions of these Orders. However, the property shall not be returned to the finder if it remains unclaimed after three months when the finder is a government employee who finds the property in the course of duty. 04/06

3. Where a police officer is called to the scene of an incident and the identity of the victim cannot be ascertained, the property will be treated as 'found property'. Should such person be admitted to hospital, the DO will note the fact in the CMIS, together with the hospital ward/bed numbers and ensure that the victim is informed at the earliest opportunity, that the property is held by the Police, and arrangement should be made for it to be identified, after which it may be returned.

4. A person, other than a police officer, who finds property in the Chek Lap Kok Airport area, the Mass Transit Railway Corporation (MTRC) premises, or in a public bus and hands it into a police station shall be given a Pol. 68D. The finder shall be told that there is no claim to the property as under the MTRC Limited, Airport Authority By-laws and the Public Bus Services Regulations, these corporations have the lawful right to dispose of such property as they see fit unless it is claimed by the owner. The original and duplicate of the Pol. 68D shall be endorsed to this effect by the recording officer. The property will then be entered in the Pol. 69A in the normal manner. As soon as practicably possible, a Property Control Officer shall ensure such property and details of the finder are handed over to an authorized representative of the nearest MTRC station, public bus companies, or Chek Lap Kok Airport against receipt in the CMIS. However, driving licences, identity cards, passports, bank account passbooks, cheques, travellers cheques, credit and cash dispenser cards shall not be handed over to the Chek Lap Kok Airport, MTRC or the public bus companies. 04/06
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5. Property found on railway premises, trains or carriages by Railway or Police personnel shall be dealt with in accordance with the Standing Orders of their Formation Commander.

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6. With the exception of property found on Chek Lap Kok Airport, MTRC, and the public buses, every effort shall be made to locate the owner. In the event that property is a sealed container (e.g. suitcase, briefcase, etc.), an ADVC or equivalent in other Formations, may authorize the opening of the container in an attempt to determine its ownership, using the minimum force necessary and causing the minimum damage possible. A police officer shall not enter negotiations between finders and owners or their authorized representatives, make suggestions or offer advice in respect of such awards.

Authorized Representative

7. An authorized representative of the owner or the finder of found property, who is eligible for claiming the property by virtue of s. 40(3) of PFO, Cap. 232, shall be permitted to claim the property on behalf of the owner or the finder when the owner or the finder is unable to do so by reason of illness, absence from Hong Kong, or similar reason.

8. Found Property Authorization Forms (Pol. 653) will be generated from CMIS once the identity is confirmed in CMIS.

Overseas Visitor

9. When any overseas visitor reports the loss of property or hands in any found property to a police station, the visitor shall be invited to complete and sign, in duplicate, a Pol. 653 (Part A) at the time of making the report. The signature of the overseas visitor shall be witnessed by the officer receiving the report.

10. The DO shall, in addition to other requirements of this Order, cross-reference to the CMIS the particulars contained in the completed Pol. 653 (Part A).

11. An overseas visitor shall, when applicable, be advised to request the manager of the hotel, hostel, travel agency, airline or similar organization to act as an authorized representative in the event of his/her departure from Hong Kong.

12. When an overseas visitor reports the loss of property to a police station, the Pol. 653 (Part A) shall be completed, and the visitor shall be requested to deliver the original copy to an authorized representative at the earliest convenience. The visitor shall be informed that the property listed on the Pol. 653 (Part A) may be returned to the authorized representative or the visitor on production of the original copy. The duplicate copy will be retained by the station and held in a loose file under the control of a Property Officer or Property Control Officer.

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13. Should overseas visitors in Hong Kong report the loss of property to a police officer at any place other than a police station and have indicated the wish to nominate an authorized representative to claim the property on their behalf, the visitor shall be advised to report the loss to the nearest police station. The reasons for so doing will be fully explained to the visitor at the time and a pertinent entry shall be made in the officer's official notebook to that effect. Should an overseas visitor report the loss of property case when no longer in Hong Kong, an RN shall be created by respective report room staff. Should the property be located, the visitor should be informed by registered mail where possible, that:-

- (a) The property has been located;
- (b) The visitor could collect the property in person, or nominate an authorized representative to collect the property on the visitor's behalf by completing the Pol. 653 (Part A), which shall be enclosed with the registered mail; and
- (c) The property will be disposed of if it is not being claimed after a certain date.

14. An authorized representative shall, on claiming back property on behalf of the lawful owner, produce the original copy of the Pol. 653 together with a means of identification. In the case of a person normally resides in Hong Kong, the production of a Hong Kong identity card shall be regarded as sufficient proof of identity. The bona-fides of the person claiming to be the authorized representative must be established before the property is handed over.

15. When property is claimed by an authorized representative, the acknowledgment receipt on the Pol. 653 (Part B) shall be completed in duplicate. The original and the station copy of the Pol. 653 shall be signed by the authorized representative. The return of the property and the signature of the authorized representative shall be witnessed by two officers (i.e. the returning officer and one other).

16. The original copy of the Pol. 653 (Parts A & B) will be forwarded, by registered mail, to the owner with a request for acknowledgment of receipt. The duplicate copy will be retained by the station and attached to the print-out of the Pol. 69A.

17. If the original copy of the Pol. 653 has been lost, the bona-fides of the person claiming to be the authorized representative shall be established, against the duplicate copy retained by the station, before the property is handed over.

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18. In the event that the original copy of the Pol. 653 has been lost, a photostat copy of the duplicate copy retained by the station will be made. The photostat copy of the Pol. 653 will, when completed, be forwarded by registered mail to the owner.

19. Bona-fide parties to the proceedings shall be entitled to a copy of the station's duplicate Pol. 653 on request.

20. Where a representative of a person, who is unable to claim the property due to serious illness or admission to hospital and in addition has not completed a Pol. 653, comes to a police station to claim property on behalf of the owner, the ADVCM shall ascertain the bona-fides of the representative and be satisfied that the owner is unable to claim the property in person, prior to ordering the return of such property to the claimant.

30-07 Intestate Property

Valuable items of intestate property of a value of \$1,500 or more, and any single item of property or money which exceeds \$1,000 in value, shall be kept in a Property Control Officer's safe.

08/10 **30-12 Disposal of Firearms and Ammunition**

When arms and ammunition are forfeited to the Government under section 44 of the Firearms and Ammunition Ordinance, Cap. 238 or confiscated by a court order, the ADVCM shall not dispose of the arms and ammunition until the appeal period has lapsed, or until the determination of any appeal which may be lodged. The ADVCM shall:-

- (a) in the event of forfeiture under section 44 of Cap. 238, forward the property together with a covering memorandum to the Senior Force Armourer (SFA); or
- (b) in the event of confiscation by the court, forward the property together with the GF 83 to the SFA; or
- (c) if the property is already in the possession of the Forensics Firearms Examination Bureau (FFEB) forward the memorandum or GF 83 to that Bureau.