

## **Principles and Procedures for Searching Student's Body and Belongings**

For details, please refer to [paragraph 3.6.4\(3a-3c\) of  
the "School Administration Guide"](#)

## **General Principles for Searching Students and Their Belongings at School**

- a) The authority of a teacher is a delegated authority, therefore it should not exceed the power that a parent possesses, e.g. parents do not have the power to abuse their children physically or mentally, therefore, no such power can be delegated to the teachers;
- b) The delegated power should be the power that a reasonable parent would delegate to a teacher and is reasonable in the circumstances, e.g. parents have the power to bring their child to leave Hong Kong but no reasonable parent would delegate such a power to the teacher and such power is also unreasonable in the circumstance;
- c) If the principal or the teacher is in doubt, they should obtain explicit parental consent;
- d) Any action taken for the maintenance of discipline should be reasonable and appropriate;
- e) Under all circumstances, school discipline should be administered in a manner consistent with the child's human dignity and in conformity with the present laws, including those laws on the right to privacy; and
- f) The school should inform students and parents clearly their disciplinary rules prior to admission and at the beginning of each school year.

## **Principles and Procedures for Searching a Student's Belongings**

- a) The extent and manner in conducting the search should be proportional to the circumstances by taking into account the age of the child and the seriousness of the matter;
- b) The human dignity of that student should be protected and any embarrassment caused should be avoided as far as possible;
- c) When a teacher searches the belongings of a student, the student should be informed of the reasons for the search unless it is impossible or impracticable;
- d) The search should be conducted in the presence of that student and should be witnessed by a third party;
- e) If a teacher discovers any evidence during the search which may lead to a criminal prosecution, e.g. drug, the teacher should call the police immediately. It is because teachers do not have the power to conduct crime investigation, and the evidence discovered may be tendered as evidence in court, therefore, such evidence should be handled with care; otherwise, it may be inadmissible in court. Furthermore, whether criminal prosecution should be instituted is a matter for the police and the Department of Justice to determine; and
- f) It is also advisable for a teacher to obtain co-operation from the student.

## **Principles and Procedures for Searching a Student's Body**

- a) Such search should only be conducted by a teacher of the same sex;
- b) The student should be informed of the reasons of the search and such search should be witnessed by a third party;
- c) The extent and manner in conducting the search should be proportional to the circumstances by taking into account the age of the child and the seriousness of the matter;
- d) The human dignity and feeling of a student should be protected and respected;
- e) If a teacher discovers any evidence during the search which may lead to a criminal prosecution, e.g. drug, the teacher should call the police immediately. It is because teachers do not have the power to conduct crime investigation and the evidence discovered may be tendered as evidence in court, such evidence should be handled with care; otherwise, it may be inadmissible in court. Furthermore, whether criminal prosecution should be instituted is a matter for the police and the Department of Justice to determine; and
- f) It is also advisable for a teacher to obtain co-operation from the student and under no circumstances should a teacher force a student to be searched. Otherwise, the teacher may be sued for assault.