

**Brief Report on  
the Death of a Prisoner of the Sha Tsui Detention Centre**

**The Incident**

The deceased (the prisoner), a Mainlander sentenced to six months' imprisonment for "Possession of Forged Travel Document", was first admitted to Pik Uk Correctional Institution on 25 May 1999 and transferred to Sha Tsui Detention Centre (STDC) on 29 May 1999.

2. On 4 September 1999, the prisoner complained of fever and was seen by the Medical Officer of STDC with treatment prescribed. On 7 September 1999, he was admitted into the sick bay of STDC. On 10 September, he was sent to the Accident and Emergency Department of the Queen Elizabeth Hospital (QEH). After hospitalization, he was diagnosed to be suffering from pneumonia. Despite treatment, his condition further deteriorated. On development of respiratory failure, he was admitted to the intensive care unit on 5 November 1999 and was certified dead the next day.

**Death Inquest**

3. An inquest into the cause of and the circumstances connected with the death was held on 9 and 10 October 2000 in accordance with the provisions of the Coroners Ordinance (Cap. 504).

4. The Coroner's Court considered, among other things, a written statement of a fellow inmate of the prisoner, who, also a Mainlander, had since the incident completed his sentence and returned to the Mainland. He alleged that 16 inmates, including the prisoner and he himself, had been punished by forced exposure to strong sun from some time after 10:00 a.m. to 11:30 a.m. on 3 September 1999 and such punishment had caused the prisoner to develop fever.

5. On the other hand, medical expert evidence presented to the Court by the Medical Officer of STDC, the attending doctor in QEH and the Forensic Pathologist concerned revealed that –

- (a) the prisoner suffered from and died of pneumonia;
- (b) the medical signs displayed by the prisoner did not indicate

prolonged exposure to strong sun before he fell ill;

- (c) prolonged exposure to strong sun might cause heat exhaustion or heat stroke which was not evident in the prisoner; and
- (d) his pneumonia condition could not be attributed to the alleged prolonged exposure to strong sun.

6. In his testimony to the Court, the Superintendent of STDC confirmed that prison staff were prohibited from punishing inmates by prolonged exposure to the sun and he rebutted the allegation. He testified that it was not possible that the alleged prolonged exposure had taken place without his or his senior staff's notice.

7. The five-member jury concluded that the prisoner had died from natural causes and the disease causing death was pneumonia. An excerpt of the Coroner's summing up of the case and direction to the jury is at Appendix A (in Chinese only). A copy of the verbatim record of the proceedings is kept at the LegCo Secretariat for members' inspection as necessary.

8. At the inquest the jury also made three recommendations relating to the handling of prisoners by prison welfare officers. The Correctional Services Department (CSD) has confirmed that the recommended management practices are in fact standard practices according to standing procedures and orders. Relevant correspondence is copied at Appendix B.

9. Although not forming part of the recommendations of the inquest, the jury suggested that CSD should follow up the allegation that the prisoner had been unlawfully punished by prolonged exposure to strong sun and report the outcome to the family of the prisoner. The jury was of the view that the Superintendent of STDC had not provided sufficient information and not proven that there had not been prolonged exposure of the prisoner to the sun.

### **Police Investigation**

10. In fact, before the death inquest, the allegation of unlawful punishment was already the subject of a complaint filed by the prisoner's parents to CSD. They alleged that in the morning of 3 September 1999, the prisoner had been unreasonably punished by a staff of STDC to stand under the sun, which had resulted in his subsequent illness and death. As this allegation touched on the causes of death of the prisoner, CSD referred it to the Police for investigation. The Police have completed the investigation and reported that they would take no further action in relation to the case.

### **CSD's Response**

11. CSD has noted the exculpatory conclusions drawn separately from the death inquest and the Police investigation, and carefully examined the circumstances surrounding the death of the prisoner and the jury's views as revealed in the death inquest. It considered that nothing that could substantiate the allegation that the prisoner had been unlawfully punished or warranted further investigation had been unearthed. On 8 December 2000, the CSD Complaints Committee reviewed the complaint case and concluded it with no further action required. The prisoner's parents would be informed accordingly.

12. The operation of prisons is governed by law. Punishment which may be imposed on prisoners who have committed disciplinary offences is specifically provided for under the law in Rule 63 of Prison Rules (Cap.234) (see Appendix C). Punishment in any other form is prohibited and unlawful. CSD is committed to ensuring that prisoners would not be subject to any form of unlawful or unwarranted punishment or indeed inhumane treatment of any kind.

13. To prevent heat stress illness in particular, CSD has established a system to ensure that outdoor and vigorous physical training programmes for inmates would only be conducted under safe conditions and with all precautionary measures taken. Guidelines have been drawn up to determine the nature and extent of physical activities that should be permitted during the hot, humid season (from April to November in particular) with reference to a four-level Heat Stress Index. For example, when the index reaches its first level, some activities would need to be modified for those inmates who are unacclimatised to the programme. When the index reaches the highest level, strenuous physical activities would be totally avoided. Through regular in-service training, CSD staff are required to refresh their knowledge on the signs and symptoms, first-aid treatment and prevention of heat stress illness.

14. CSD will continue its on-going efforts to ensure that persons placed under its custody are detained in a manner which is secure to the public, safe for the inmates and compatible with human dignity.

Correctional Services Department  
December 2000