

# LEGISLATIVE COUNCIL BRIEF

Prisons Ordinance  
(Chapter 234)

## PRISON (AMENDMENT) RULES 2000

### INTRODUCTION

A At the meeting of the Executive Council on 26 September 2000, the Council ADVISED and the Chief Executive ORDERED that the Prison (Amendment) Rules 2000, at Annex A, should be made under section 25 of the Prisons Ordinance, to remove the requirement that two Justices of the Peace (JPs) visiting correctional institutions must be of the combination of one Official JP and one Non-official JP.

### BACKGROUND AND ARGUMENT

#### General Background

2. The Justices of the Peace Ordinance (the JP Ordinance), which came into operation on 30 May 1997, provides a local system for the appointment, resignation and removal of JPs. JPs are appointed by the Chief Executive under section 3 of the JP Ordinance. Persons holding an office in the public service are appointed under section 3(1)(a) of the JP Ordinance whilst other persons are appointed under section 3(1)(b) of the JP Ordinance. For administrative purposes, JPs appointed under section 3(1)(a) are referred to as Official JPs whereas JPs appointed under section 3(1)(b) are referred to as Non-official JPs.

3. The main function of JPs, as set out under section 5 of the JP Ordinance, is to visit any custodial institution or detained person. The arrangements for such visits are set out in various Ordinances governing the administration of the institutions concerned, and such visits are collectively known as statutory visits. Apart from statutory visits, the JP visits programme also covers visits arranged administratively to institutions providing services to the public, such as hospitals and Po Leung Kuk; these visits are known collectively as non-statutory visits. The objective of the JP visits programme is to ensure that the rights of the inmates are safeguarded through a system of visits by independent visitors, without prior warning of the exact date and time of the visits to the institutions concerned. A list of all institutions visited by B JPs on statutory and non-statutory basis is at Annex B.

4. In arranging statutory and non-statutory JP visits, the current practice is to pair a Non-official JP with an Official JP. While in some cases such pairing is only an administrative arrangement, in the case of statutory visits to certain institutions as required under Rule 6(1) of the Immigration (Vietnamese Migrants) (Detention Centres) Rules (at Annex C), Rule 6(1) of C the Immigration (Vietnamese Boat People) (Shek Kwu Chau Detention Centre) D Rules (at Annex D), Rule 222(1) of the Prison Rules (at Annex E) and Rule E F 42(1) of the Probation of Offenders Rules (at Annex F), such pairing is set out in the law.

### **The Proposal**

5. In 1999, we conducted a review of the JP system, with special focus on the JP visits programme. On completion of the review, the Administration issued to all Non-official JPs a consultation paper outlining the result of the review and a number of proposals to further improve the JP system. One of the proposals was to give JPs more flexibility on the choice of visiting partners by allowing Non-official JPs to choose either an Official JP or a Non-official JP as their visiting partner in JP visits. As far as this proposal was concerned, the result of the consultation with Non-official JPs was that there was considerable support both for and against the proposal – of the 219 Non-official JPs who commented on the consultation paper, 103 JPs agreed with the proposal, 88 JPs disagreed, and 28 JPs had either no comment or other comments on the proposal.

6. In July 1999, the Administration briefed the Legislative Council (LegCo) Panel on Home Affairs on the review of the JP system and the result of the consultation exercise conducted with Non-official JPs. As to the pairing of JP visits, LegCo members felt strongly that the Administration should allow Non-official JPs the choice of either an Official JP or a Non-official JP as their visiting partner. Having further considered the proposal, and upon consultation with relevant Bureaux/Departments, the Administration decided that the proposal should be implemented. In particular, we are of the view that since the duties of Official JPs and Non-official JPs are the same under the JP Ordinance, there is no justification for our insistence that a Non-official JP must be paired with an Official JP during JP visits. In this regard, the Administration would consult individual Non-official JPs as to whether they would wish to have another Non-official JP or an Official JP as visiting partner for JP visits. Nevertheless, the exact pairing for each visit will be for the Administration to arrange. As for Official JPs, they will not be given a choice of partners, and we will only arrange for Official JPs to conduct visits with Non-official JPs.

7. While the proposed pairing arrangement can be implemented administratively in respect of non-statutory visits and statutory visits for which there is no pairing requirement provided by law, legislative amendment is however necessary for implementation of the pairing arrangement in respect of visits under Rule 6(1) of the Immigration (Vietnamese Migrants) (Detention Centres) Rules, Rule 222(1) of the Prison Rules and Rule 42(1) of the Probation of Offenders Rules, which make specific reference to the pairing arrangement (i.e. a Non-official JP has to pair with an Official JP).

8. The power to amend the Prison Rules rests with the Chief Executive in Council while the power to amend the Immigration (Vietnamese Migrants) (Detention Centres) Rules and the Probation of Offenders Rules rests with the Secretary for Security and Secretary for Health and Welfare respectively. In order to implement the proposal to allow Non-official JPs to choose either an Official JP or a Non-official JP as their visiting partner in JP visits, the Prison (Amendment) Rules 2000 should be made. Separately, the G Immigration (Vietnamese Migrants) (Detention Centres) (Amendment) Rules 2000 (at Annex G) have been made by the Secretary for Security under section 13H of the Immigration Ordinance, and the H Probation of Offenders (Amendment) Rules 2000 (at Annex H) have also been made by the Secretary for Health and Welfare under section 12(1) of the Probation of Offenders Ordinance, so as to remove the requirement under the two sets of Rules that the two JPs visiting the institutions concerned must be of a combination of one Official JP and one Non-official JP.

9. While Rule 6(1) of the Immigration (Vietnamese Boat People) (Shek Kwu Chau Detention Centre) Rules also makes specific reference to the pairing arrangement for JP visits, it should be noted that Shek Kwu Chau Detention Centre has been closed since November 1991 and there is no plan to re-open it. The Security Bureau will carry out a review into the laws relating to Vietnamese refugees and migrants, including the Immigration (Vietnamese Boat People) (Shek Kwu Chau Detention Centre) Rules. The relevant legislation will either be amended or repealed as appropriate after the conclusion of the review. Therefore, it is not necessary to amend Rule 6(1) of the Immigration (Vietnamese Boat People) (Shek Kwu Chau Detention Centre) Rules in this exercise.

## **THE AMENDMENT RULES**

10. The purpose of the Prison (Amendment) Rules 2000, at Annex A, is to remove the requirement that the two JPs visiting correctional institutions under Rule 222(1) of the Prisons Rules must be of a combination of one Official JP and one Non-official JP.

## **PUBLIC CONSULTATION**

11. As detailed in paragraphs 5 and 6 above, all Non-official JPs have been consulted on the proposal via a consultation paper issued by the Administration in early 1999 on the review of the JP system. There was considerable support both for and against the proposal. When the Administration briefed the LegCo Panel on Home Affairs in July 1999 on the review of the JP system and the result of the consultation exercise conducted with Non-official JPs, LegCo members felt strongly that the Administration should allow Non-official JPs the choice of either an Official JP or a Non-official JP as their visiting partner.

## **BASIC LAW IMPLICATIONS**

12. The Department of Justice advises that the proposed Amendment Rules do not conflict with those provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

13. The Department of Justice advises that the proposed Amendment Rules are consistent with the human rights provisions of the Basic Law.

## **BINDING EFFECT OF THE LEGISLATION**

14. The amendments will not affect the current binding effect of the Prisons Ordinance.

## **FINANCIAL AND STAFFING IMPLICATIONS**

15. There is no financial or staffing implication for Government.

## **LEGISLATIVE TIMETABLE**

16. The legislative timetable of the Amendment Rules is as follows -

Publication in the Gazette	5 October 2000
Tabling at the Legislative Council	11 October 2000

17. The Immigration (Vietnamese Migrants) (Detention Centres) (Amendment) Rules 2000 and the Probation of Offenders (Amendment) Rules 2000 mentioned in paragraph 8 above will also be gazetted on 5 October 2000 and will be tabled at the Legislative Council on 11 October 2000.

## **PUBLICITY**

18. A press release will be issued before the publication of the Amendment Rules in the Gazette and a spokesman will be available for answering media enquiries. We shall also separately inform JPs of the amendments through the regular JP Newsletter to be issued on 4 October 2000.

## **OTHERS**

19. Enquiries concerning this brief should be directed to Mrs. Apollonia Liu, Assistant Director of Administration, on 2810 3503.

Administration Wing  
Chief Secretary for Administration's Office  
4 October 2000

**PRISON (AMENDMENT) RULES 2000**

(Made by the Chief Executive in Council under section 25  
of the Prisons Ordinance (Cap. 234))

**1. Duty to visit prisons**

Rule 222(1) of the Prison Rules (Cap. 234 sub. leg.) is amended by repealing "(one official and one unofficial)".

Clerk to the Executive Council

COUNCIL CHAMBER

2000

Explanatory Note

The purpose of these Rules is to remove the restriction that the 2 justices of the peace visiting prisons and hostels must be of the combination of one official justice of the peace and one unofficial justice of the peace.

## List of Institutions Visited by JPs

I. Statutory Visits

No.	Name of institution	Frequency of JP visit	Responsible department/organisation	Relevant legislation under which JP visits are conducted
<b>A. Prisons/correctional institutions</b>				
1.	Cape Collinson Correctional Institution*	Monthly	CSD	Rule 222 of the Prison Rules (Cap.234)
2.	Chi Ma Wan Correctional Institution	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
3.	Chi Ma Wan Drug Addiction Treatment Centre*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
4.	Custodial Ward of Queen Elizabeth Hospital	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
5.	Custodial Ward of Queen Mary Hospital	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
6.	Hei Ling Chau Correctional Institution	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
7.	Lai Chi Kok Reception Centre	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
8.	Lai Sun Correctional Institution	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
9.	Lo Wu Correctional Institution	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
10.	Ma Hang Prison	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
11.	Ma Po Ping Prison	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
12.	Pak Sha Wan Correctional Institution	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
13.	Pik Uk Correctional Institution*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
14.	Pik Uk Prison	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)

\* These institutions have been grouped under more than one category of institutions because they perform more than one function concurrently as prescribed by the legislation governing them.

No.	Name of institution	Frequency of JP visit	Responsible department/organisation	Relevant legislation under which JP visits are conducted
15.	Sha Tsui Detention Centre*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234) and Section 9 of the Detention Centres Ordinance (Cap.239)
16.	Shek Pik Prison	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
17.	Siu Lam Psychiatric Centre	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
18.	Stanley Prison	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
19.	Tai Lam Centre for Women*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
20.	Tai Lam Correctional Institution	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
21.	Tai Tam Gap Correctional Institution*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
22.	Tong Fuk Centre	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
23.	Tung Tau Correctional Institution (including the Annex Block)	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
24.	Victoria Prison	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
<b>B. Training centres/detention centre/hostels</b>				
1.	Cape Collinson Correctional Institution*	Monthly	CSD	Rule 222 of the Prison Rules (Cap.234)
2.	Tai Lam Centre for Women*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
3.	Lai King Training Centre	Monthly	CSD	Rule 222 of the Prison Rules (Cap.234)
4.	Tai Tam Gap Correctional Institution*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
5.	Pik Uk Correctional Institution*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)

\* These institutions have been grouped under more than one category of institutions because they perform more than one function concurrently as prescribed by the legislation governing them.



No.	Name of institution	Frequency of JP visit	Responsible department/organisation	Relevant legislation under which JP visits are conducted
6.	Sha Tsui Detention Centre*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234) and Section 9 of the Detention Centres Ordinance (Cap.239)
7.	Bauhinia House	Monthly	CSD	Rule 222 of the Prison Rules (Cap.234)
8.	New Life House	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
9.	Phoenix House	Monthly	CSD	Rule 222 of the Prison Rules (Cap.234)
10.	Pelican House	Monthly	CSD	Rule 222 of the Prison Rules (Cap.234)
<b>C. Drug addiction treatment centres</b>				
1.	Tai Tam Gap Correctional Institution*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
2.	Tai Lam Centre for Women*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
3.	Hei Ling Chau Addiction Treatment Centre and Annex	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
4.	Chi Ma Wan Drug Addiction Treatment Centre*	Fortnightly	CSD	Rule 222 of the Prison Rules (Cap.234)
5.	Shek Kwu Chau Treatment and Rehabilitation Centre	Monthly	D of H	Section 5 of the Drug Addicts Treatment and Rehabilitation Ordinance (Cap.326)
6.	Sister Aquinas Memorial Women's Treatment Centre	Monthly	D of H	Section 5 of the Drug Addicts Treatment and Rehabilitation Ordinance (Cap.326)
<b>D. Reception/detention centres of CSD, ICAC &amp; Imm D</b>				
1.	Green Island Reception Centre	Monthly	CSD	Rule 6 of the Immigration (Vietnamese Migrants) (Detention Centres) Rules (Cap.115)

\* These institutions have been grouped under more than one category of institutions because they perform more than one function concurrently as prescribed by the legislation governing them.

No.	Name of institution	Frequency of JP visit	Responsible department/organisation	Relevant legislation under which JP visits are conducted
2.	Independent Commission Against Corruption Detention Centre	Fortnightly	ICAC	Paragraph 18 of the ICAC (Treatment of Detained Person) Order (Cap.204)
3.	Immigration Department Ma Tau Kok Detention Centre	Quarterly	Imm D	Paragraph 18 of the Immigration Service (Treatment of Detained Persons) Order (Cap.331)
<b>E. Mental hospitals</b>				
1.	Castle Peak Hospital	Monthly	HA	Section 5 of the Mental Health Ordinance (Cap.136)
2.	Kwai Chung Psychiatric Observation Unit (commonly known as Kwai Chung Hospital)	Monthly	HA	Section 5 of the Mental Health Ordinance (Cap.136)
3.	Pamela Youde Nethersole Eastern Psychiatric Observation Unit	Monthly	HA	Section 5 of the Mental Health Ordinance (Cap.136)
4.	New Territories East Psychiatric Observation Unit	Monthly	HA	Section 5 of the Mental Health Ordinance (Cap.136)
<b>F. Remand home, places of refuge, approved institutions and reformatory schools of SWD</b>				
1.	Begonia Road Juvenile Home	Monthly	SWD	Section 17 of the Juvenile Offenders Ordinance (Cap.226)
2.	The Chuk Yuen Children's Reception Centre	Quarterly	SWD	Regulation 4 of the Protection of Children and Juveniles (Places of Refuge) Regulations (Cap.213) and Paragraph 4 of the Immigration (Places of Detention) Order (Cap.115)
3.	Fanling Girls' Home	Monthly	SWD	Rule 42 of the Probation of Offenders Rules (Cap.298)
4.	The Kwun Tong Probation Hostel (commonly known as Kwun Tong Hostel)	Monthly	SWD	Rule 42 of the Probation of Offenders Rules (Cap.298)
5.	Ma Tau Wei Girls' Home	Monthly	SWD	Regulation 4 of the Protection of Children and Juveniles (Places of Refuge) Regulations (Cap.213) and Paragraph 4 of the Immigration (Places of Detention) Order (Cap.115)

No.	Name of institution	Frequency of JP visit	Responsible department/organisation	Relevant legislation under which JP visits are conducted
6.	O Pui Shan Boys' Home	Monthly	SWD	Section 14 of the Reformatory School Ordinance (Cap.225)
7.	Pui Chi Boys' Home	Monthly	SWD	Regulation 4 of the Protection of Children and Juveniles (Places of Refuge) Regulations (Cap.213) and Paragraph 4 of the Immigration (Places of Detention) Order (Cap.115)
8.	Shatin Boys' Home	Monthly	SWD	Rule 42 of the Probation of Offenders Rules (Cap.298)

## II. Non-statutory Visits

No.	Name of institution	Frequency of JP visit	Responsible department/organisation
	<b>A. General acute hospitals with 24-hour A&amp;E services and hospitals with a mix of acute &amp; non-acute services</b>		
1.	Alice Ho Miu Ling Nethersole Hospital	Half-yearly	HA
2.	Caritas Medical Centre	Quarterly	HA
3.	Haven of Hope Hospital	Half-yearly	HA
4.	Hong Kong Buddhist Hospital	Half-yearly	HA
5.	Kowloon Hospital	Quarterly	HA
6.	Kwong Wah Hospital	Quarterly	HA
7.	North District Hospital	Half-yearly	HA
8.	Pamela Youde Nethersole Eastern Hospital	Quarterly	HA
9.	Pok Oi Hospital	Half-yearly	HA
10.	Prince of Wales Hospital	Quarterly	HA
11.	Princess Margaret Hospital	Quarterly	HA
12.	Queen Elizabeth Hospital	Quarterly	HA
13.	Queen Mary Hospital	Quarterly	HA
14.	Ruttonjee Hospital	Half-yearly	HA

No.	Name of institution	Frequency of JP visit	Responsible department/organisation
15.	Shatin Hospital	Half-yearly	HA
16.	Tai Po Hospital	Half-yearly	HA
17.	Tuen Mun Hospital	Quarterly	HA
18.	Tung Wah Eastern Hospital	Half-yearly	HA
19.	Tung Wah Group of Hospitals Wong Tai Sin Hospital	Half-yearly	HA
20.	Tung Wah Hospital	Half-yearly	HA
21.	United Christian Hospital	Quarterly	HA
22.	Yan Chai Hospital	Quarterly	HA
<b>B. Psychiatric hospitals</b>			
1.	Lai Chi Kok Hospital	Half-yearly	HA
2.	Siu Lam Hospital	Half-yearly	HA
<b>C. Non-acute or infirmary hospitals</b>			
1.	Cheshire Home, Chung Hom Kok	Half-yearly	HA
2.	Cheshire Home, Shatin	Half-yearly	HA
3.	MacLehose Medical Rehabilitation Centre	Half-yearly	HA
4.	Nam Long Hospital	Half-yearly	HA
5.	Tung Wah Group of Hospitals Fung Yiu King Hospital	Half-yearly	HA
6.	Wong Chuk Hang Hospital	Half-yearly	HA
<b>D. Acute hospitals of special nature</b>			
1.	Bradbury Hospice	Half-yearly	HA
2.	The Duchess of Kent Children's Hospital at Sandy Bay	Half-yearly	HA
3.	Fanling Hospital	Half-yearly	HA
4.	Grantham Hospital	Half-yearly	HA
5.	Hong Kong Eye Hospital	Half-yearly	HA
6.	Our Lady of Maryknoll Hospital	Half-yearly	HA
7.	St. John Hospital	Half-yearly	HA

<b>No.</b>	<b>Name of institution</b>	<b>Frequency of JP visit</b>	<b>Responsible department/organisation</b>
8.	Tang Shiu Kin Hospital	Half-yearly	HA
9.	Tsan Yuk Hospital	Half-yearly	HA
<b>E. Children's homes of SWD</b>			
1.	Pelletier Hall, Sisters of the Good Shepherd	Quarterly	SWD
2.	Wai Yee Hostel	Quarterly	SWD
<b>F. Charitable organisation providing social services</b>			
1.	Po Leung Kuk	Quarterly	HAB

**Key** : CSD - Correctional Services Department  
D of H - Department of Health  
HA - Hospital Authority  
HAB - Home Affairs Bureau  
ICAC - Independent Commission Against Corruption  
Imm D - Immigration Department  
SWD - Social Welfare Department

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Chapter: 115M	Title: IMMIGRATION (VIETNAMESE MIGRANTS) (DETENTION CENTRES) RULES	Gazette Number:
Rule: 6	Heading: <b>Visiting justices</b>	Version Date: 30/06/1997

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(1) Two visiting justices (one official and one unofficial) shall, together if possible, visit every detention centre at least once a month and on such other days as they may be required. Their names shall be furnished by the Chief Secretary to the Authority of every detention centre and every detention centre shall be open to them at all reasonable times during their tour of duty.

(2) Visiting justices shall not have any interest in any contract made in respect of any detention centre.

(3) Visiting justices shall have the following duties in relation to a detention centre-

- (a) at the termination of every visit and before they leave the detention centre to record in a book provided for the purpose any recommendations, suggestions or other remarks;
- (b) to co-operate with the Authority in promoting the good management of the detention centre;
- (c) to ensure that all abuses in connection with the detention centre which come to their knowledge are brought to the notice of the Authority immediately;
- (d) to hear and investigate any complaint which any detainee may desire to make to them;
- (e) to pay special attention to detainees in the sick bay and separately confined;
- (f) to attend to all reports received by them as to the mind or body of any detainee being likely to be injured by discipline or treatment to which he is subject and communicate their opinion to the Authority;
- (g) to inspect the diets of the detainees and if they consider the food supplied does not conform to the recommended diet scale, report the circumstances to the Authority;
- (h) to satisfy themselves that the standards of accommodation and treatment of the detainees are of an approved level as determined by the Secretary for Security; (L.N. 176 of 1992)
- (i) to inquire into the state of buildings and report to the Governor with respect to any repairs or additions which may appear to them to be necessary; and
- (j) to discharge such other duties as may be assigned to them by the Governor.

(Enacted 1989)

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Chapter: 115P	Title: IMMIGRATION (VIETNAMESE BOAT PEOPLE) (SHEK KWU CHAU DETENTION CENTRE) RULES	Gazette Number:
Rule: 6	Heading: <b>Visiting justices</b>	Version Date: 30/06/1997

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(1) Two visiting justices (one official and one unofficial) shall, together if possible, visit the Centre at least once a month and on such other days as they may be required.

(2) The names of the visiting justices shall be furnished by the Chief Secretary to the Commissioner and the Centre shall be open to them at all reasonable times during their tour of duty.

(3) Visiting justices shall not have any interest in any contract made in respect of the Centre.

(4) Visiting justices shall have the following duties in relation to the Centre-

- (a) at the termination of every visit and before they leave the Centre to record in a book provided for the purpose any recommendations, suggestions or other remarks;
- (b) to co-operate with the Commissioner, the Superintendent and the Manager in promoting the good management of the Centre;
- (c) to ensure that all abuses in connection with the Centre which come to their knowledge are brought to the notice of the Commissioner as soon as practicable;
- (d) to hear and investigate any complaint which any detainee may desire to make to them;
- (e) to pay special attention to detainees in the sick bay and separately confined;
- (f) to attend to all reports received by them as to the mind or body of any detainee being likely to be injured by discipline or treatment to which he is subjected and communicate their opinion to the Commissioner;
- (g) to inspect the diets of detainees and if they consider the food supplied does not conform to the recommended diet scale, report the circumstances to the Commissioner;
- (h) to satisfy themselves that the standard of accommodation and treatment of detainees at the Centre are of an approved level as determined by the Secretary for Security;
- (i) to inquire into the state of buildings at the Centre and report to the Governor with respect to any repairs or additions which appear to be necessary; and
- (j) to discharge such other duties as may be assigned to them by the Governor in respect of the Centre.

(Enacted 1991)

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Chapter: 234A	Title: PRISON RULES	Gazette Number: L.N. 362 of 1997
Rule: <b>222</b>	Heading: <b>Duty to visit prisons</b>	Version Date: 01/07/1997

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### **PART III**

#### **VISITING JUSTICES AND PRISON VISITORS**

##### **(1) VISITING JUSTICES**

(1) Two visiting justices (one official and one unofficial) shall, in company if possible, visit-

- (a) each prison at least once a fortnight;
- (b) each hostel at least once a month,

and on such other days as they may be required. (44 of 1987 s.3)

(2) The names of the visiting justices shall be furnished by the Chief Secretary for Administration to the Commissioner and the prisons and hostels shall be open to them at all reasonable times during their tour of duty. (44 of 1987 s.3; L.N. 362 of 1997)

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Chapter: 298A	Title: PROBATION OF OFFENDERS RULES	Gazette Number: L.N. 362 of 1997
Rule: 42	Heading: <b>Periodic visits by justices of the peace</b>	Version Date: 01/07/1997

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Visiting justices

(1) Every approved institution shall be visited by 2 visiting justices of the peace (one official and one unofficial), in company if possible, not less than once in every month and on such other days as may be required by the Chief Secretary for Administration.

(2) The Chief Secretary for Administration shall nominate the visiting justices in respect of each institution for a tour of duty of one month at a time and shall furnish their names to the Director. (L.N. 42 of 1973)

(3) Each institution shall be open to the visiting justices nominated in respect thereof at all reasonable times during their tour of duty.

(L.N. 226 of 1976; L.N. 362 of 1997)

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**IMMIGRATION (VIETNAMESE MIGRANTS) (DETENTION CENTRES) (AMENDMENT) RULES 2000**

(Made under section 13H of the Immigration Ordinance (Cap. 115))

**1. Visiting justices**

Rule 6(1) of the Immigration (Vietnamese Migrants) (Detention Centres) Rules (Cap. 115 sub. leg.) is amended by repealing "(one official and one unofficial)"

Secretary for Security

2000

**Explanatory Note**

The purpose of these Rules is to remove the restriction that the 2 justices of the peace visiting detention centres must be of the combination of one official justice of the peace and one unofficial justice of the peace.

**PROBATION OF OFFENDERS (AMENDMENT) RULES 2000**

(Made under section 12(1) of the Probation  
of Offenders Ordinance (Cap. 298))

**1. Periodic visits by justices of the peace**

Rule 42(1) of the Probation of Offenders Rules (Cap. 298 sub. leg.) is amended by repealing "(one official and one unofficial)".

Secretary for Health and Welfare

2000

Explanatory Note

The purpose of these Rules is to remove the restriction that the 2 justices of the peace visiting approved institutions must be of the combination of one official justice of the peace and one unofficial justice of the peace.