

**Extract from the minutes of Security Panel meeting on 7 February 2002**

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**III. Prison Development Plan**

(LC Paper Nos. CB(2)1023/01-02(03) and (04))

7. At the invitation of the Chairman, Deputy Secretary for Security 2 (DS for S2) briefed Members on the Administration's revised proposal on the Prison Development Plan, as detailed in the paper provided by the Administration.

8. Members noted a comparison table, which was provided by the Administration and tabled at the meeting, on different approaches of prison development.

*(Post-meeting note : The comparison table was issued to members vide LC Paper No. CB(2) 1099/01-02 on 8 February 2002.)*

9. Mr CHEUNG Man-kwong commented that the Administration's revised Prison Development Plan mainly involved splitting the original proposal into two stages and it reflected that the Administration still intended to co-locate all penal institutions in the longer term. He considered it expensive to spend \$16 billion to construct a new penal institution providing 2 600 additional penal places. He said that it was inappropriate to consider the proposal at a time of deficit in the budget. In view of the current financial situation of the Government, he preferred the less expensive option of constructing five new prisons under the traditional approach at a total cost of about \$5 billion to meet the projected increase in penal population.

10. DS for S2 responded that the capital investment would stimulate economic development and create job opportunities. The estimated total capital cost of \$16 billion would be spent over a long period of time. In the first two to three years, only about \$50 million would be needed for conducting feasibility studies and planning. With the proposed co-location, existing penal sites could be released for alternative development. A rough estimate indicated that the value of the land released would far exceed the capital cost of \$16 billion. The new prison development would provide a total of 7 220 places, including 2 600 new places.

11. Deputy Commissioner of Correctional Services (DCCS) said that while five new penal institutions could be constructed to meet the additional demand for penal places, it would not provide the economy of scale which could be derived from the co-location of penal institutions. He pointed out that many penal institutions were constructed some 40 to 60 years ago and that the facilities were no longer adequate for the provision of rehabilitation services to inmates. The full co-location of penal institutions was more desirable in the longer term.

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12. The Chairman asked whether economy of scale could be achieved from the co-location of the five new prisons into one prison complex. DCCS responded that while there might be such benefits, the Administration had not estimated the savings achievable from such an arrangement.

13. Mr LAU Kong-wah commented that the revised Prison Development Plan was not much different from the Administration's original proposal to fully co-locate all penal institutions. He said that the Administration had underestimated the high degree of security risk associated with co-location of penal institutions. He further said that the Administration's response to the submission of the Democratic Alliance for Betterment of Hong Kong was unconvincing. Referring to paragraph 3 of the Administration's paper, he said that it would be more difficult to handle major disturbances in a large penal institution. Regarding the Administration's response on security concerns in Annex A to the Administration's paper, he said that the security risk associated with the concentration of inmates was much higher than that of Vietnamese Migrants (VMs). He added that the tension in a maximum security institution would be more difficult to ease, if the number of inmates was large.

14. DCCS responded that with appropriate security design, adoption of necessary security measures and technologies, sophisticated penal management and contingency plans, the chance of spreading of a riot could be kept to a minimum. With the existing resources, the Correctional Services Department (CSD) would be confident of handling major disturbances that occurred in one fully co-located penal area but not multiple disturbances occurring in diverse locations at the same time. He informed Members that riots that occurred at the same time in 27 prisons scattered around a state in Brazil a few months ago had resulted in heavy casualties.

15. DCCS further said that the penal institutions in the proposed prison complex would be divided into several clusters. Each cluster would have its own perimeter walls or fences. Inmates in one institution were not within sight of those in other institutions. Proper security design and advanced technology would be adopted to prevent the spreading of mass behaviour from one institution to another. Within each institution, security measures would be adopted such that each unit of inmates would be separated from other units in work accommodation and recreation. There would not be gathering of a large number of inmates at any one time or place.

16. DCCS added that VM detention centres were run on a totally different philosophy from that of a penal institution. VMs were not offenders. They were basically free to move within the camps at will and were not locked up at night. The manning ratio in VM detention centres was far lower than that in prisons. Drawing an analogy between the proposed prison complex and the security risk of VM detention centres was not entirely appropriate.

17. Mr LAU Kong-wah stressed that the co-location of penal institutions would result in concentration of security risk. The spreading of a riot would also be quicker

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if all inmates were located in one penal place than distributed in different penal institutions. He said that even though the number of inmates involved in the riot in Hei Ling Chau Drug Addiction Treatment Centre was not large, the Administration had taken some time to bring the situation under control. He pointed out that the fact that the riots in Brazil had been put under control reflected that riots scattered in different locations were easier to handle. He said that he had visited five prisons in the United States in the previous year. Overseas experience revealed that having all inmates in one place would result in an unacceptably high security risk. He further pointed out that most overseas prison officials whom he met during his visits described the idea of putting all inmates in a large prison complex as "unbelievable" or "mad".

18. Mr LAU Kong-wah added that inmates in the Rikers Island prison complex in New York were persons sentenced to one to two years' imprisonment, the security risk associated with whom were substantially different from inmates sentenced to longer imprisonment periods, including life imprisonment. He had also visited the San Quentin Prison in San Francisco, where there were ten monuments in memory of prison guards who had died in riots and noted that even for a penal population of about 6 000, the prison guards had to wear knife-resistant clothes and helmets.

19. DS for S2 stressed that the proposed co-location would not involve having all inmates in one single penal institution. Different categories of inmates would be accommodated in different penal institutions in the proposed prison complex, which would be divided into several clusters. Each individual institution within a cluster would have its own perimeter walls or fences and hold a manageable size of about 400 to 800 inmates. DCCS added that inmates in one institution were not within sight of those in other institutions. Regarding the riots that occurred simultaneously in 27 prisons in Brazil, it had taken more than one week before the situation was put under control and the number of casualties was immense.

20. Assistant Commissioner of Correctional Services informed Members that he had visited the Rikers Island prison complex, which was a real-life example demonstrating the feasibility of the concept of co-location of penal institutions, and noted that -

- (a) the prison complex had a history of more than 100 years;
- (b) the prison complex had a penal population of 20 000 at one time and the present penal population was 17 000;
- (c) different institutions in the complex were physically separated from one another and were operated independently;
- (d) while there had been riots of different scale in the past, order had been restored successfully; and
- (e) besides inmates sentenced to less than one year's imprisonment, there

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were also remands pending trial of their criminal charges and inmates sentenced to more than one year's imprisonment and pending transfer to other prisons.

21. The Chairman asked whether the proposed clustering of penal institutions would follow that in Annex B to the Administration's paper. DS for S2 responded that the clustering illustrated in the Administration's paper was only one of the possibilities under the proposed co-location.

22. Mr LAU Kong-wah said that inmates in the Rikers Island prison complex and those in the penal institutions of Hong Kong were not comparable. He said that the experience of the San Quentin Prison indicated that a penal population of 6 000 was already very difficult to control. He questioned whether the riots in Hei Ling Chau or Brazil would have been easier to handle if the prisons had been co-located.

23. DCCS responded that there were two other correctional institutions, namely, the Lai Sun Correctional Institution and the Hei Ling Chau Correctional Institution, in the vicinity of the Hei Ling Chau Drug Addiction Treatment Centre. With the deployment of additional resources, order in the latter had been restored within a few hours and the riot had not spread to the two other institutions. This indicated that with the adoption of necessary security measures and technologies, sophisticated penal management and contingency plans, the chance of spreading of a riot could be kept to a minimum.

24. DCCS added that most riots developed from smaller incidents. In each penal institution, there was a Security Officer who gathered intelligence on incidents occurring in the institution. With intelligence gathered early before the development of a riot, actions could be taken in time to address the problem and prevent the spreading of a riot.

25. Mr Howard YOUNG said that the Liberal Party had formerly expressed reservations about the Administration's initial proposal on prison development. However, it had subsequently noted that with the adoption of appropriate security design and measures, the proposed co-location might have merits. He asked whether the projections of penal population had taken into account the decrease in penal population after an agreement on the transfer of sentenced persons was reached with the Mainland. He also asked about the additional cost required in providing for future expansion of the prison complex.

26. DS for S2 said that the proposed mid-sized co-location project, which was expected to be completed in 2013, would only meet the forecast demand for penal places in 2015. Further expansion of the prison complex would be considered, if a further growth in penal population was identified in the future. DCCS added that under the proposed project, about 1 000 additional penal places were to be provided by 2015.

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27. DCCS said that there were currently 3 200 Mainland inmates, among whom 2 700 were serving short-term sentences of not more than one year. As the transfer of sentenced persons with the Mainland would cover those serving sentences of more than one year, an agreement with the Mainland on the transfer of sentenced persons would not have much impact on the size of penal population. He added that the existing projections of penal population were based on the forecasts of CSD as well as information supplied by the Police and the Immigration Department. Although the forecast might change over time, it should be noted that the existing penal institutions had an overall occupancy rate of about 110% and the occupancy rate in some female penal institutions was close to 200%. There was a pressing need to address the overcrowding problem in penal institutions.

28. Mrs Selina CHOW considered that the Administration's proposed progressive approach towards prison development, which involved mid-sized co-location as a first step, was an appropriate one. She said that the issue of prison development had been discussed at meetings of the Panel for many years. She considered that the Administration should proceed with its latest proposal as soon as possible so that penal sites in urban areas could be vacated for other development. She added that the project should be developed with minimum cost without compromising security.

29. On the options of sites for the co-located prison complex, DCCS briefed Members on the characteristics of the two site options at Kong Nga Po and Hei Ling Chau, as detailed in Annex G to the Administration's paper for the Panel meeting on 7 June 2001 (LC Paper No. CB(2) 1689/00-01(04) issued vide LC Paper No. CB(2) 1689/00-01 on 31 May 2001). He concluded that the site at Kong Nga Po was preferred from operational and security points of view.

30. Mr Howard YOUNG considered that in determining the site for the prison complex, consideration should be given to the respective economic values of the two sites for other development. Mrs Selina CHOW shared the view of Mr YOUNG.

31. DS for S2 said that although the site at Kong Nga Po was located in the Closed Area and thus currently had no development potential, the possibility of developing the Closed Area was being examined under the "Hong Kong 2030 : Planning Vision and Strategy". However, the construction of a prison complex in Kong Nga Po would not hinder any possible future development of the Closed Area.

32. Mrs Selina CHOW asked about the difference in capital investment between the construction of a prison complex in Kong Nga Po and Hei Ling Chau. DCCS responded that under the original proposal of full co-location of penal institutions, the total capital investments for constructing a prison complex in Kong Nga Po and Hei Ling Chau were \$27.5 billion and \$28.1 billion respectively.

33. Miss Margaret NG said that considerations in respect of prison development should not be focussed on the economic value of existing penal sites. It should be focussed on the security of penal institutions as well as the rights and rehabilitation of

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inmates. She further said that Hong Kong had an international obligation to separate young offenders from other inmates.

34. DS for S2 responded that as required under local legislation and relevant international conventions, different categories of inmates were separated from each other. The Prison Development Plan was not proposed solely for the release of urban land. It was proposed with a view to upgrading archaic and outdated facilities as well as to address the overcrowding problem in existing penal institutions. DCCS added that young offenders were separated according to their age groups in accordance with the requirements under international conventions. However, this could not be achieved in some cases due to overcrowding in penal institutions. There was a pressing need for upgrading the archaic and outdated facilities to comply with international standards.

35. The Chairman said that he was inclined to support the proposed mid-sized co-location of penal institutions. However, he would oppose the capital investment, which amounted to \$400 million or 2.5% of the total capital investment, that would provide for possible future expansion of the proposed prison complex.

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