

Extract from the minutes of Security Panel meeting on 7 June 2001

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V. Prison Development Plan

(LC Paper No. CB(2) 1689/00-01(04))

17. Members noted a submission, which was tabled at the meeting, from the Democratic Alliance for Betterment of Hong Kong on the prison development plan.

(Post-meeting note : The submission tabled at the meeting was issued to members vide LC Paper No. CB(2) 1769/00-01 on 8 June 2001.)

18. At the invitation of the Chairman, Deputy Secretary for Security 2 (DS for S2) briefed Members on the Administration's latest plan in respect of prison development.

19. Mrs Selina CHOW said that the Liberal Party had always adopted an open attitude towards the prison development plan. While it recognised the merits of the plan, it was also concerned about the security of a large prison complex. She asked about the difference in security management and control between a large prison complex and partial co-location of penal institutions. She also asked whether riots or mass behaviour would spread more quickly in a large prison complex.

20. DS for S2 responded that measures would be adopted to ensure adequate security control in the proposed prison complex. The penal institutions in the prison complex would be divided into several clusters. Inmates in one institution would not be within sight of those in other institutions. It was thus difficult for a riot to spread from one penal institution to another.

21. Mr CHEUNG Man-kwong said that the financial provision of \$28 billion required for the construction of a large prison complex could be used for the construction of 280 new schools providing 280 000 schoolplaces. He considered that instead of constructing a large prison complex, an additional penal institution providing 3 800 penal places should be constructed.

22. DS for S2 responded that there was not much room for improvement of the existing penal institutions, where many facilities were archaic and outdated. She added that if the traditional institution-by-institution approach was adopted in providing 3 800 additional penal places, five new prisons would be required. This would involve a construction cost of about \$5 billion and an annual recurrent cost of about \$500 million for some 1 600 additional staff. In the longer-term, it would be more cost effective to construct a large prison complex.

23. Mr CHEUNG Man-kwong said that although the same problems also existed with the schools in Hong Kong, many of which were archaic, these schools were refurbished rather than redeveloped. He pointed out that the construction cost of a large prison complex was \$28 billion, while the cost of constructing five new prisons providing 3 800 penal places would only be \$5 billion. This represented a substantial difference of \$23 billion which would be able to cover the additional recurrent staff costs for 46 years. He reiterated that 3 800 additional penal places should be provided through the traditional approach instead of the construction of a large prison complex.

24. DS for S2 responded that a large prison complex would offer the following advantages -

- (a) addressing the problem of overcrowding in penal institutions by providing 15 000 penal places;
- (b) relieving land occupied by existing penal institutions for other development;
- (c) providing an opportunity for the upgrading of prison facilities;
- (d) facilitating the improvement of rehabilitation service;
- (e) allowing the pooling of staff for standby duties to deal with emergency situations;
- (f) bringing about savings in operational and manpower costs on a long-term recurrent basis; and
- (g) the new prison complex could be purpose-built for better prison management and security.

25. Mr Albert HO said that if the benefits of economy of scale were to be derived from all services provided by the Government, many government offices would all have to be co-located. He considered that economy of scale and cost savings should not be the only considerations in co-location. He said that if the penal institutions in the proposed prison complex were to be divided into several clusters separated from each other, the sharing of facilities might not be viable. He added that a large prison complex would have a possible adverse psychological impact on young offenders and those convicted of minor crimes. He expressed doubt about the accuracy of the Administration's projection in respect of the future penal population and pointed out that there might be a drop in the future penal population when an agreement on the transfer of sentenced persons was reached with the Mainland. He questioned whether the recurrent savings brought about by a large prison complex could justify an additional expenditure of \$ 23 billion.

26. DS for S2 responded that the co-location of prisons was not proposed merely for the benefits derived from economy of scale. She stressed that the construction of a large prison complex would not only benefit 3 800 inmates, but 15 000 inmates. She added that as the penal institutions in the proposed prison complex were to be divided into several clusters separated from each other, facilities such as kitchens and laundries could be shared between the penal institutions in the complex.

27. Assistant Commissioner of Correctional Services (ACCS) responded that a large prison complex should not have an adverse psychological impact on young offenders and those convicted of minor crimes. He stressed that as other penal institutions were not within sight of inmates in an institution, a large prison complex should not have any adverse psychological impact on inmates. He informed Members that the Shek Pik Prison, which was a high security prison, and the Sha Tsui Detention Centre had been in operation in the vicinity of each other for a long time without problems. He further said that the Administration's projection of the future penal population was an accurate one based on factors such as the rate of increase in population, arrest rate, prosecution rate and the average length of imprisonment. He added that there were different options for the physical design of a large prison complex. The Administration would have regard to overseas experience before determining the physical design of the large prison complex.

28. Miss Margaret NG considered that the Administration should provide information on whether the existing financial resources and facilities provided for penal institutions were adequate for meeting the standards as required under the relevant international conventions. She said that a Justice of the Peace who had recently visited the Chi Ma Wan Correctional Institution, which had 330 penal places, had informed her that the institution had an actual penal population of 620. Among these, about 470 were inmates from the Mainland and 170 inmates were imprisoned for breach of their conditions of stay. Thus, the penal population might drop when the number of Mainland inmates decrease after an agreement on the transfer of sentenced persons was reached with the Mainland. She requested the Administration to provide information on the existing number of penal places, the current level of penal population and their distribution among different types of inmates. She also requested the Administration to provide information on the proportion of Mainland inmates among the projected shortfall of 3 800 penal places by the year 2024. Mr James TO shared the view that the number of Mainland inmates might decrease when an agreement on the transfer of sentenced persons was reached with the Mainland. He added that there had already been a continuous drop in the number of illegal immigrants from the Mainland. He requested the Administration to provide information on the projected decrease in the number of Mainland inmates when an agreement on the transfer of sentenced persons was reached with the Mainland.

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29. DS for S2 responded that under the local laws and the relevant international conventions, different categories of inmates were separated from each other. The relevant international conventions applicable to Hong Kong included the International Covenant on Civil and Political Rights, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Convention on the Rights of the Child. She said that the projected shortfall of 3 800 penal places in 2024 was a conservative estimate based on the projected population increase. As regards the distribution of inmates, she informed Members that the existing penal population comprised 65% local inmates, 25% Mainland inmates, 3% Vietnamese inmates and about 8% inmates of other nationalities. As most Mainland inmates were serving short-term sentences, their number would probably not be affected even if an agreement was reached with the Mainland on the transfer of sentenced persons. She undertook to provide the information requested by members.

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30. ACCS informed Members that the increase in female inmates was due to increased arrest of visitors in breach of conditions of stay. He pointed out that the agreement reached with other countries on the transfer of sentenced persons covered persons sentenced to more than one year's imprisonment, whereas persons in breach of conditions of stay were usually only sentenced to three months' imprisonment.

31. Mr IP Kwok-him said that the Democratic Alliance for the Betterment of Hong Kong had reservations about the prison development plan, which had focussed too much on cost effectiveness and failed to recognise the importance of security control in a large prison complex. He considered that a large prison complex would have an adverse psychological impact on discharged prisoners, as people would easily use descriptions such as "persons from Stanley" to label discharged prisoners. He expressed doubt about whether the construction of a large prison complex would result in much cost savings and asked whether the Administration had compared the difference in cost between partial co-location and full co-location of penal institutions.

32. DS for S2 responded that co-location of penal institutions in itself should not give rise to the problem of labelling of discharged prisoners. She said that the Administration had considered the suggestion of partial co-location of penal institutions and the findings were set out in the Administration's paper. She added that the Administration would provide a written response to the points raised in the submission from the Democratic Alliance for the Betterment of Hong Kong.

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33. Mr James TO said that instead of constructing a large prison complex, four to five medium sized penal complexes should be constructed. This would provide flexibility in that construction could be adjusted or even stopped in accordance with changes in the demand for penal places. He considered that benefits from economy of scale would only be confined to the sharing of kitchens, laundry facilities, and the number of staff deployed for standby duties. He expressed concern that high security designs might have to be adopted for minimum security institutions in order to prevent the spreading of mass behaviour. He requested the Administration to provide a full

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Adm list of areas where a large prison complex could benefit from economy of scale.

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34. Dr LUI Ming-wah considered that the problem of labelling of discharged prisoners from a large prison complex should not be overlooked. He said that even if a large prison complex with 15 000 places was constructed, there might still be a need for expansion some 20 years later. He was of the view that smaller penal institutions, which provided more flexibility in expansion, should be constructed. He added that different types of inmates should be rehabilitated in different penal institutions.

Adm 35. Mr Ambrose LAU requested the Administration to provide information on the experience of other places in large prison complexes and the size of prison complexes in these places.

36. Mrs Selina CHOW opined that the problem of labelling of discharged prisoners was unlikely to occur even if penal institutions were co-located. She said that although some members considered that substantial savings would result if a large prison complex was not constructed, it should be noted that the existing 24 penal institutions were already archaic and financial resources were needed for their renovation. She considered that funding should be provided both for prison development and renovation or construction of schools. She pointed out that the problem of overcrowding of penal institutions had existed for a long time and it was not only due to the large number of Mainland inmates. She was of the view that the problem should be addressed expeditiously.

37. As regards overseas experience, DS for S2 informed Members that the Rikers Island Complex near New York in the United States was a large prison complex occupying some 166 hectares of land and comprising 10 penal institutions which provided 17 000 penal places. Facilities shared inside the prison complex included the laundry, textiles workshops, the bakery and printing facilities. Transportation and repair services were also shared by different penal institutions in the prison complex. In response to enquiries from the Administration, the Commissioner of the New York City Department of Correction had replied that the large prison complex was offering the following advantages -

- (a) facilitating the provision of services to inmates by the prison management and other organisations;
- (b) centralised service could be provided in respect of fire-fighting, security management, transportation, repair and maintenance, transportation and the deployment of staff for standby duties. About 200 to 400 staff on standby duties could be mobilised within one hour to deal with emergency situations such as riots or disasters; and
- (c) medical staff could be deployed to provide service on a 24-hour basis for all penal institutions in the prison complex.

38. The Chairman said that he had also gathered information about the Rikers Island Complex, where inmates served imprisonment terms ranging from two months to one year and noted that -

- (a) there were more violent incidents in a large prison complex, with 2 500 cases reported in a year; and
- (b) according to statistics for 1994, the percentage of inmates who repeatedly served sentence in the prison complex within two years was as high as 70%.

He concluded that such information indicated that a large prison complex was undesirable.

39. The Chairman requested the Administration to consider the views of members in its long-term plan for prison development.

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