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Panel on Security

**Background brief prepared by Legislative Council Secretariat
for the meeting on 3 April 2007**

Prison development

Purpose

This paper gives a summary of past discussions by the Panel on Security on the Administration's prison development plans subsequent to the shelving of the Hei Ling Chau prison development proposal.

Background

2. At its meetings on 7 December 2000 and 7 June 2001, the Panel on Security was briefed on the Administration's long-term prison development plan to address the current problems of archaic facilities and inadequate penal places, and to meet the forecast growth in penal population. The Administration informed the Panel that the possible sites for building a large prison complex were Kung Nga Po and Hei Ling Chau.

3. In response to the concerns expressed by members, the Administration revised its proposal and briefed members on the revised proposal at the meeting of the Panel on Security on 7 February 2002. The Administration proposed a progressive approach involving a mid-sized co-location of penal institutions, which would provide 7 220 penal places (among which 2 600 were additional places) by 2013, at a capital cost of \$16 billion.

4. At its meeting on 16 May 2003, the Finance Committee approved a funding proposal of \$46.7 million for carrying out a feasibility study and associated site investigation for land formation and infrastructure works for the proposed prison development at Hei Ling Chau. In its subsequent progress report to the Finance Committee, the Administration advised that while the project was technically feasible according to stage 1 of the feasibility study, there was strong public objection to the project. In view of the public's

objection to the proposal and the call for the Administration to explore alternative development plans to address the problem of prison overcrowding, the Administration decided to shelve the project for the time being. In the meantime, the Administration would explore alternative development possibilities. It would consider initially the feasibility of maximising the redevelopment potential of certain existing penal sites to yield additional places.

Prison development plans subsequent to the shelving of the Hei Ling Chau prison development proposal

5. At its meeting on 1 November 2005, the Panel on Security was briefed on the Administration's prison development plans subsequent to the shelving of the Hei Ling Chau prison development proposal as follows -

- (a) carrying out conversion works at the Chi Sun Correctional Institution, which would provide 48 additional penal places around the end of 2005;
- (b) constructing the new Lai Chi Kok Correctional Institution, which would provide 212 additional penal places in the first quarter of 2006;
- (c) launching the extension project at Lai Chi Kok Reception Centre, which would provide 144 additional remand places by the end of 2006;
- (d) redeveloping the Lo Wu Correctional Institution (LWCI), which would provide 1 218 additional places by the end of 2009; and
- (e) identifying the redevelopment potential of existing penal institutions, such as the institutions at Chi Ma Wan.

6. Noting that Mainlanders serving sentences in Hong Kong had taken up 28.8% of the penal population, Hon LAU Kong-wah and Hon CHIM Pui-chung considered that the Administration should expedite the establishment of a transfer of sentenced persons arrangements between Hong Kong and the Mainland. Hon James TO suggested that incentives should be provided for Mainlanders serving sentences in Hong Kong to apply for transfer to the Mainland for serving their remaining sentences. Hon LEUNG Kwok-hung however considered that, given the poor condition of Mainland prisons, Mainlanders serving sentences in Hong Kong would unlikely be willing to apply for transfer to the Mainland. Hon Margaret NG asked the Administration to review whether illegal immigrants should be imprisoned for a long period of time, whether such imprisonment could achieve the desired penal effect and the cost implications of such imprisonment.

7. The Administration responded that, under the model agreement on the transfer of sentenced persons, a transfer required the agreement of the transferring and receiving parties as well as the sentenced person. It was difficult to assess the number of sentenced persons who would apply for transfer to the Mainland for serving their sentences, if transfer of sentenced persons arrangements were established with the Mainland. The redevelopment of penal institutions would achieve the purposes of meeting increased demand for penal places as well as addressing the problem of aging of old penal institutions. The Administration also advised that the length of sentence was determined by the court.

8. Hon LAU Kong-wah considered that priority should be given to redeveloping the Chi Ma Wan Correctional Institution. He requested the Administration to provide a comparison between the redevelopment of LWCI and Chi Ma Wan Correctional Institution.

9. The Administration subsequently advised that the existing two correctional institutions at Chi Ma Wan could be redeveloped to provide about 1 600 places, of which 984 were additional places. A rough estimate of the construction cost was about \$1.5 billion. However, the redevelopment of the institutions at Chi Ma Wan would be more complicated than that of LWCI because of the topography of the former site and the need to widen the existing access road substantially. Further studies would be needed.

Redevelopment of Lo Wu Correctional Institution

10. At the meeting of the Panel on Security on 4 April 2006, the Administration briefed the Panel on its proposal to redevelop LWCI, which would provide 1 400 penal places (of which 1 218 were additional places) by the end of 2009, at a capital cost of about \$1.375 billion. As for the basis for projecting the penal population, the Administration advised that the projections (13 330 by 2010 and 14 250 by 2015) were based on arrest and prosecution statistics provided by the Police and the Immigration Department.

11. Members queried whether the Administration should merely construct more prisons to cope with the projected increase in penal population. They asked about the progress of establishing a transfer of sentenced persons agreement with the Mainland. Hon James TO considered that the Administration should review its penal policy, having regard to the deterrent effect and cost considerations. Consideration should be given to non-custodial options such as electronic monitoring. Hon LAU Kong-wah was of the view that if the penal institutions at Chi Ma Wan could be redeveloped to provide more places, such as through the construction of an extra level of floor, there might not be a need to redevelop LWCI. Hon LEUNG Kwok-hung considered that Mainlanders who took up illegal employment in Hong Kong should be repatriated and not imprisoned.

12. The Administration responded that penal policy was reviewed regularly by the Administration. The Administration had considered in about 1997-1998 the feasibility of introducing other non-custodial options not available then in Hong Kong, such as home detention and electronic monitoring, and noted that these options were not suitable for Hong Kong because of technical difficulties or security threats to the community. The Administration considered it difficult to assess whether the establishment of transfer of sentenced persons arrangements with the Mainland would actually relieve overcrowding in penal institutions, as the consent of the prisoner concerned was required before a transfer could take place. The Administration advised that the redevelopment of penal institutions at Chi Ma Wan was still at an early stage and designs were not yet available. It was the intention of the Administration to redevelop LWCI to alleviate the problems of prison overcrowding and ageing penal facilities as soon as possible. The Administration reaffirmed its immigration policy for illegal immigrants to be repatriated in general, and for illegal immigrants who took up illegal employment or committed other offences to be prosecuted.

13. The Finance Committee approved the funding for the LWCI redevelopment project at its meeting on 7 July 2006.

Relevant papers

14. For details of the discussions, members may wish to refer to the following documents -

Minutes

- (a) minutes of the meeting of the Panel on Security on 1 November 2005 (LC Paper No. CB(2)755/05-06);
- (b) minutes of the meeting of the Panel on Security on 4 April 2006 (LC Paper No. CB(2)79/05-06);
- (c) minutes of meeting of the Finance Committee meeting on 7 July 2006 (LC Paper No. FC12/06-07);

Papers

- (d) Administration's paper entitled "Prison Development Plan" for the meeting of the Panel on Security on 7 December 2000 (LC Paper No. CB(2)388/00-01(03));
- (e) Administration's paper entitled "Prison Development Plan" for the meeting of the Panel on Security on 7 June 2001 (LC Paper No. CB(2)1689/00-01(04));

- (f) Administration's paper for the meeting of the Finance Committee on 7 July 2006 (Paper No. FCR(2006-07)20).

15. The above papers are available on the website of the Legislative Council (<http://www.legco.gov.hk>).

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