

L/M to SEC 2/1/840

28 April 2010

Legislative Council Secretariat
Legislative Council Building,
8 Jackson Road, Central
Hong Kong
(Attn.: Miss Winnie LO)

Dear Miss Lo,

Prisons (Amendment) (No. 2) Order 2010 (L.N. 38)

I refer to your letter of 23 April 2010 to the Secretary for Security and am authorized to reply to you.

2. The information requested by the House Committee on the captioned order is set out in the Appendix attached.

Yours sincerely,

signed

(Miss Lucy CHAN)
for Secretary for Security

Appendix

To alleviate the problem of outdated penal facilities and overcrowding in female institutions, the Finance Committee approved funding of \$1.3 billion in 2006 (revised to be \$1.5 billion in November 2008) to redevelop the then Lo Wu Correctional Institution (LWCI). The redevelopment project comprises the demolition of the then LWCI and the adjacent Lo Wu Saddle Club to provide a larger site and the construction of a new institution, which will provide around 1400 penal places. The redevelopment project is near completion and the new LWCI is scheduled to commence operation in July this year.

2. As the then LWCI was discontinued to be a prison in October 2006 before its demolition, the Secretary for Security has to make an order under section 4 of the Prisons Ordinance (Cap. 234) to set apart the new LWCI as a prison. Section 4 of the Prisons Ordinance states that “the Secretary for Security may by order published in the Gazette provided for any place or building or portion of a building to be set apart for the purpose of a prison”. The Chinese term “闢作” used in the Prisons (Amendment) (No. 2) Order 2010 is consistent with the wording in the Chinese version of section 4 of the Prisons Ordinance.

3. Regarding the meaning of the term itself, the word “闢” does not necessarily involve the carrying out of works. There are a number of contexts in which the word “闢” is used but without any connotation with works, e.g. “另闢蹊徑” (“to take a different route”; a metaphor for “coming up with an alternative idea”) and “闢室長談” (“to find a room to discuss further”)¹. The essence of the word “闢” is the designation of something for a particular purpose. Therefore, we consider that the Chinese rendition “闢作” ties in well with the meaning of the English equivalent “set apart”, which means “separate something and keep it for a special purpose”².

¹ See entry on “闢” in 《教育部重編國語辭典修訂本》: <http://dict.revised.moe.edu.tw/index.html>.

² See entry on “set” in *Concise Oxford English Dictionary*, eleventh edition, revised, Oxford University Press.

爲了紓緩懲教設施陳舊和女子懲教院所擠迫的問題，財務委員會於二零零六年通過撥款十三億元(稍後於二零零八年十一月修訂爲十五億元)以重建舊有的羅湖懲教所。重建工程包括拆除舊有的羅湖懲教所及鄰近的羅湖騎術學校，以騰出更大地方，及建立可收納1400名在囚人士的新院所。羅湖懲教所的重建工程已接近完成，新院所將於本年7月啓用。

2. 由於舊有的羅湖懲教所在拆卸前，即二零零六年十月已終止作爲監獄，保安局局長須根據香港法例第234章《監獄規例》第4條作出命令，把新建的羅湖懲教所重新訂定爲監獄。《監獄規例》第4條指出，「保安局局長可藉憲報刊登的命令，將任何地方或建築物或建築物部分闢作監獄之用」。《2010年監獄(修訂)(第2號)令》中「闢作」一詞的用法是與《監獄規例》第4條的中文版本一致。

3. 至於“闢作”一詞本身之涵義，“闢”不一定涉及進行工程。“闢”一字可在某些文意中使用而不帶任何與工程的關連，例如“另闢蹊徑”及“闢室長談”³。“闢”之精要在於將事物指明作某特定用途。因此，政府當局認爲“闢作”一中文用詞與其英文對等詞“set apart”的涵義(即“將事物分開並保留作某特別用途”⁴)吻合。

³ 見“闢”在《教育部重編國語辭典修訂本》：<http://dict.revised.moe.edu.tw/index.html> 中的條目。

⁴ 見“set”在 *Concise Oxford English Dictionary*, eleventh edition, revised, Oxford University Press 中的條目。