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Paper for the House Committee

Report of the Subcommittee on Subsidiary Legislation Relating to Transfer of Management of the Castle Peak Bay Immigration Centre

Purpose

This paper reports on the deliberations of the Subcommittee on Subsidiary Legislation Relating to Transfer of Management of the Castle Peak Bay Immigration Centre.

Background

2. The Castle Peak Bay Immigration Centre (CIC) commenced operation in 2005 for the detention of adults under the Immigration Ordinance (Cap. 115). Owing to the then manpower situation of the Immigration Department (ImmD) and Correctional Services Department (CSD), the Administration decided that CSD should take up the management of CIC until the second quarter of 2010, and ImmD would take over in April 2010.

3. CIC is currently specified as a "prison" in the Prisons Order (Cap. 234 sub. leg. B) (the Prisons Order), and the treatment of detainees at CIC is subject to the Prison Rules (Cap. 234 sub. leg. A) (the Prison Rules). For the purpose of transferring the management of CIC from CSD to ImmD, it is necessary to, among other things, subject the operation and management of CIC under the powers and provisions of the Immigration (Treatment of Detainees) Order (Cap. 115 sub. leg. E) (the Treatment Order) instead of the Prison Rules.

The Subsidiary Legislation

4. A total of four Amendment Orders are required to effect the transfer of management of CIC from CSD to ImmD. They are the –

- (i) Prisons (Amendment) Order 2010;

- (ii) Immigration (Places of Detention) (Amendment) Order 2010;
- (iii) Immigration (Treatment of Detainees) (Amendment) Order 2010 (the Treatment Amendment Order); and
- (iv) Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2010.

5. The Prisons (Amendment) Order 2010 amends the Schedule to the Prisons Order to discontinue the use of CIC as a prison. The Immigration (Places of Detention) (Amendment) Order 2010 amends Schedule 3 to the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B) to specify CIC as a place for detaining persons required or authorized to be detained by or under the Immigration Ordinance and removes from that Schedule certain places that have been closed down or are no longer used for the detention of immigration detainees.

6. The Treatment Amendment Order amends Schedule 1 to the Treatment Order to add certain rules relating to smoking by detainees in an area set aside by the Director of Immigration and visits of detainees by Justices of the Peace (JPs).

7. The Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2010 amends Part 2 of Schedule 2 to the Smoking (Public Health) Ordinance (Cap. 371) to exempt an area set aside by the Director of Immigration under the Treatment Order from the smoking prohibition imposed by section 3 of the Ordinance.

The Subcommittee

8. The House Committee agreed at its meeting on 26 February 2010 to form a subcommittee to study the four Amendment Orders relating to the transfer of management of CIC. Hon James TO kun-sun was elected Chairman of the Subcommittee. The Subcommittee had held three meetings with the Administration. The membership list of the Subcommittee is in the **Appendix**.

Deliberations of the Subcommittee

9. Members of the Subcommittee acknowledge the need for the enactment of the four Amendment Orders to effect the transfer of management of CIC from CSD to ImmD. Members have studied the existing protection for CIC detainees, the adequacy of the statutory provisions for the treatment of CIC detainees, possible changes in their treatment upon the transfer of management and related issues. The deliberations of the Subcommittee are set out in the ensuing paragraphs.

Length of detention

10. Members note that CIC is currently the only place of detention designed for both short-term (up to 48 hours) and long-term detention of immigration detainees. The designed capacity of CIC is for the detention of 400 persons. The daily average numbers of detainees at CIC in 2007, 2008 and 2009 are 373, 323 and 238 respectively, with an average detention period of 17 days. Although the detention period for over 80% of CIC detainees is less than two weeks, members note that 7.9% of detainees have been detained for 30 to 60 days and 2.2% over 60 days. Members are concerned whether these long-term detainees are torture claimants under the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

11. According to the Administration, torture claimants are normally released on recognizance should the handling of such claims be expected to take a long period. Many long-term detainees at CIC are released prisoners of the Vietnamese ethnicity pending repatriation to their mother country. Under the existing mechanism, the authorities in Vietnam have to come to Hong Kong to verify the identity of such detainees before the repatriation is effected by batches. As at the end of 2009, only 12 persons have been detained at CIC for over two months and one person over two years.

Application of the Treatment Order

12. Members have queried why the Treatment Order applies to CIC only as there are many detention centres managed by ImmD. The reason given by the Administration is that after the Treatment Order as amended has come into effect, CIC will be the only place specified in its Schedule 2 to which the Treatment Order applies. All the other references to places in the existing Schedule 2 such as the custodial wards of Queen Elizabeth Hospital and Queen Mary Hospital are proposed to be deleted because they are currently under CSD's management (to which the Prison Rules apply) or have been closed down. The Treatment Order does not apply to other detention places specified in Schedule 3 to the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B) because those places are mainly located at immigration control points and are used for short-term detention for generally less than 48 hours, and those places are not specified in Schedule 2 to the Treatment Order.

Statutory protection for detainees

13. Members note that while CIC is under the management of CSD, the treatment of detainees at CIC is set out in detail under the Prison Rules. Arrangements including protection and rights, discipline, accommodation and bed, clothing, food and diet, medical services and hygiene, bath, detainees' properties, smoking, searches and examination, letters to and from outside, visits by relatives and friends, and interview with legal advisers, etc. are all provided in the Prison Rules. With the transfer of the management of CIC from CSD to

ImmD, many aspects of treatment of CIC detainees will no longer be laid down in statutory provisions. The Treatment Amendment Order only adds two new provisions relating to JPs' visits to detainees and smoking by detainees in a designated area. Members have sought the Administration's explanations for not aligning the Treatment Order with the relevant provisions of the Prison Rules as far as treatment of detainees is concerned.

14. The Administration has explained that CIC detainees are not convicted or sentenced prisoners but immigration detainees pending investigation or removal under the Immigration Ordinance. The Administration does not see the need to add those powers and restrictions in the Prison Rules that are considered not necessary for ImmD's effective management of CIC. Moreover, some Prison Rules are not relevant to CIC detainees, such as the requirement for prisoners to work. Effective from April 2010 when ImmD takes over the management of CIC, ImmD will rely on the provisions of the Treatment Order as amended, supplemented by detailed measures to be set out in the CIC Operation Manual (the Operation Manual). The parts relevant to the treatment of detainees in the Operation Manual will be made available for public access before the transfer of management. The Treatment Amendment Order has included provisions relating to visits by JPs and smoking by detainees in a designated area to maintain these arrangements at CIC as before. Other arrangements will by and large follow the current practice and will be set out in the Operation Manual. The Administration has stressed that new legislation should be made on a need basis, and the treatment enjoyed by CIC detainees will remain the same, if not more generous in some respects.

15. Members are not convinced of the Administration's explanations. Members have pointed out that the Operation Manual is an internal document of ImmD for the guidance of its staff, and staff not complying with the provisions therein will only be subject to internal disciplinary proceedings. In contrast, non-compliance with the provisions of the Treatment Order may amount to a breach of statutory duty. Any persons who feel aggrieved by non-compliance with statutory provisions may lodge a civil claim. However, such a remedy may not be available for mere non-compliance with the Operation Manual.

16. According to the advice of the Civil Division of the Department of Justice, in terms of protection for detainees, material differences in remedies available will be unlikely irrespective of whether the treatment is governed by the Operation Manual or the Prison Rules. Any persons aggrieved by non-compliance with the Prison Rules or the Operation Manual can seek judicial review or lodge a complaint. Whether there can be a private cause of action for a breach of statutory duty will depend on the legislative intent of the relevant law. In *R v Deputy Governor of Parkhurst Prison and others Ex parte Hague* [1992] 1 AC 58, the English House of Lords held that whether an enactment gave rise to a private cause of action for a breach of statutory duty was a matter of ascertaining the intention of the legislature. The Administration has stated that the court considered the Prisons Act 1952 and the rules made thereunder, and held that those provisions did not confer on prisoners a cause of action for

breach of statutory duty. In relation to the Prisons Ordinance and the Prison Rules, the Administration does not see that the legislative intent then was to confer on prisoners a private cause of action for a breach of statutory duty. As such, the governance of the treatment of CIC detainees by the Operation Manual instead of the Prison Rules will not have the effect of depriving detainees of such a cause of action. Whether detainees can take legal action other than a "breach of statutory duty" will depend on the facts of the case.

17. The Legal Adviser to the Subcommittee has advised members that from the legal point of view, there should be differences in liability and remedies for non-compliance with the statutory provisions and the Operation Manual. While there could be cases where the liability and remedies for non-compliance with the statutory provisions and the Operation Manual will make no difference, there could also be cases where the legal effect for their respective non-compliance will be different.

18. The Legal Adviser to the Subcommittee has also drawn members' attention to the Immigration Service (Treatment of Detained Persons) Order (Cap. 331 sub. leg. C) which is applicable to the detention facilities at the first and second floors of No. 1 Ma Tau Kok Road, Kowloon as specified in its Schedule. The treatment of detainees such as communication with legal advisers, food and drink, toilet facilities and exercise etc. are provided in that Order.

19. Members are gravely concerned that if certain statutory provisions have been made for the treatment of detainees at the Ma Tau Kok Detention Centre (MTKDC), which is designed to detain persons for less than 48 hours, it is unacceptable for similar provisions not to be applied to CIC, which is used for longer-term detention. Members consider that the relevant provisions of Cap. 331 sub. leg. C should at least be similarly incorporated in Cap. 115 sub. leg. E, i.e., the Treatment Order.

20. The Administration has clarified that MTKDC under Cap. 331 sub. leg. C and CIC under Cap. 115 sub. leg. E are intended to serve different functions. Persons detained at MTKDC are those pending charge or trial and are generally detained for less than 48 hours, whereas CIC detainees are mostly released non-local prisoners, illegal immigrants or overstayers pending deportation or removal. Nevertheless, the Administration has accepted members' views to make reference to Cap. 331 sub. leg. C and to apply the same duties and responsibilities to CIC under Cap. 115 sub. leg. E. The Administration has proposed to move a resolution to amend the Treatment Amendment Order to provide that all the relevant sections of Cap. 331 sub. leg. C will apply in relation to the treatment of CIC detainees, subject to technical or nomenclature changes and the need to avoid direct duplications with the existing rules in Cap. 115 sub. leg. E. These relevant sections cover matters including notification to relatives, communication with legal advisers, food and drink, toilet facilities and exercise, keeping of individual detention record, comfort of detainees, sickness or injury, female detainees, safety of detainees in emergency, use of handcuffs

and notice to detainees.

21. Members have examined in-depth the provisions of Cap. 331 sub. leg. C which are applicable and not applicable to CIC as proposed by the Administration. The provisions of Cap. 331 sub. leg. C proposed not to be applicable to CIC include the interpretation and purpose clauses and sections relating to search of detainees, articles found in detainees' possession and complaints by detainees. Members agree to the non-application of those provisions to CIC as Cap. 115 sub. leg. E has its own interpretation clause and has already included similar provisions.

22. While agreeing to the principle of largely aligning the treatment of detainees at CIC with those at MTKDC, members have expressed reservations about the approach proposed by the Administration to achieve the effect. Members are gravely concerned that should Cap. 115 sub. leg. E be amended in the way as proposed by the Administration, that piece of subsidiary legislation will no longer be self-contained and has to be read in conjunction with Cap. 331 sub. leg. C. Members consider that such an approach in law drafting is not user-friendly at all. Moreover, the question of consistency in drafting will arise as the existing provisions of Cap. 115 sub. leg. E are set out, whereas the newly added provision only makes reference to the sections in Cap. 331 sub. leg. C without setting out the sections as adapted. Any amendments to Cap. 331 sub. leg. C or Cap. 115 sub. leg. E in future will necessitate a lot of cross-referencing, and may create confusion and misunderstanding.

23. Although the Administration has advised that the legal effect is the same irrespective of whether the relevant provisions are set out in full in Cap. 115 sub. leg. E or in the way as proposed, members have stressed the need to adopt a drafting approach that should be self-contained, user-friendly, clear and simple. At the strong request of members, the Administration has agreed to revise the drafting approach and to set out in Cap. 115 sub. leg. E the relevant provisions of Cap. 331 sub. leg. C with the necessary modifications.

Searching and examination powers

24. Of the various treatment arrangements for detainees, members are concerned in particular about the absence of the powers to examine urine and conduct body cavity searches of detainees after the taking over of the management of CIC by ImmD when the Prison Rules will no longer apply. There is worry about the adverse impact of the absence of such powers as drug-taking detainees may not be easily detected.

25. The Administration has explained that it does not see the need to use intrusive means such as examination of detainees' urine and conduct of body cavity searches for the effective management of CIC. Unlike penal institutions, CIC does not have detainees found to be in possession of or trafficking in drugs in the past five years. Body cavity searches have never been conducted at CIC, and detainees' behaviour can be indicative of the existence or otherwise of drug

problems. The Administration has stressed that apart from closely monitoring the inflow of articles to detention centres, ImmD has established ways to deal with detainees found to have drug problems such as by providing medical services and separate confinement.

26. Members have requested the Administration to consider the feasibility of transferring CIC detainees who are found to have drug problems or CIC long-term detainees to the detention centres managed by CSD which are governed by the Prison Rules. The Administration has assured members that ImmD has the operational capability and necessary resources to take over the management of CIC and there is no question of transferring long-term or any immigration detainees to penal institutions under CSD afterwards. ImmD will be responsible for providing proper medical treatment to any CIC detainees found to have drug problems.

27. Ms Emily LAU welcomes the non-inclusion of the powers to conduct body cavity searches of detainees in Cap.115 sub. leg. E, whereas Mrs Regina IP remains concerned about the adverse impact of the absence of such powers and the powers to examine urine in tackling possible drug problems at CIC in future.

JP visits

28. Members note that rules 222 to 235 of the Prison Rules contain detailed provisions relating to visits of prisons by JPs. Rule 222(1) provides that two JPs shall visit each prison at least once a fortnight. Rule 228(1) further provides that JPs shall hear and investigate any complaint which any prisoner may desire to make to them. Although the new rule 16 of Schedule 1 to Cap. 115 sub. leg. E provides for JP visits of persons detained under the Immigration Ordinance, the provisions are drafted in relatively general terms as compared with similar provisions of the Prison Rules. The new rule 16 does not provide for the number of JPs on each visit, the frequency of visits and the hearing and investigation of detainees' complaints by visiting JPs.

29. The Administration has assured members that the current arrangements for JP visits will continue and will not be affected by the transfer of the CIC management. The new rule 16 of Schedule 1 to Cap. 115 sub. leg. E provides for the key arrangements for JP visits which include: the Superintendent must provide facilities to enable JPs to visit the detainees; visiting JPs must be permitted to visit detainees at all reasonable times and for reasonable periods; the visiting JPs must record their observations; any adverse observations must be brought to the attention of the Director of Immigration or Deputy Director of Immigration as soon as practicable, etc. Other arrangements will by and large follow the current practice and will be set out in the Operation Manual. For instance, ImmD will liaise with the Director of Administration's Office to invite two JPs to visit CIC detainees at least once every fortnight. The Administration considers the proposed arrangements proper and adequate.

30. Members note that other than prisons and CIC, JPs also visit other

facilities such as hospitals and juvenile homes and, in general, the detailed arrangements regarding such visits are set out on an administrative basis.

Sanitary facilities and conditions

31. Members have sought information on whether there will be changes in the sanitary facilities and conditions at CIC after the transfer of management. According to the Administration, since its commissioning in 2005, CIC is equipped with proper sanitary facilities including shower rooms, laundry rooms, etc. Each detention dormitory is also equipped with separate toilet with flushing water. The Administration affirms that the sanitary conditions will not be affected by the transfer of the management.

Preparation for transfer of management

32. Members have received an e-mail from a person who claims to be a staff member of ImmD raising concern about preparation for the transfer of management of CIC and enforcement of powers. According to the Administration, ImmD has made thorough preparation to ensure a smooth transfer. The preparation ranges from equipment procurement to staff training. The former is modeled on the existing equipment used at CIC. Regarding the latter, briefing and training sessions for frontline staff have been in place for months. Drills have been done on dedicated training facilities. To keep staff abreast of the developments of the transfer plan, sharing sessions are held once a week during which staff can exchange views with their supervisors. Furthermore, starting from February 2010, ImmD staff have been deployed to accompany the existing CSD officers at CIC so that they can acquire "real life" experience in management of CIC. Parts of the CIC Operation Manual relating to the duties of the relevant staff are also covered in the training provided.

33. Members accept the Administration's explanations, and have requested the Administration to explain its preparation work clearly to ImmD staff.

Amendments to be proposed

34. The Subcommittee is scrutinizing the amendments to the Treatment Amendment Order to be moved by the Administration at the Council meeting of 14 April 2010, and will provide the text of the proposed amendments to the House Committee on 7 April 2010.

Recommendation

35. Subject to the amendments to the Treatment Amendment Order to be moved by the Administration, the Subcommittee supports the four Amendment Orders.

Advice sought

36. Members are requested to note the deliberations of the Subcommittee.

Council Business Division 2
Legislative Council Secretariat
1 April 2010

**Subcommittee on Subsidiary Legislation Relating to
Transfer of Management of the Castle Peak Bay Immigration Centre**

Membership list

Chairman Hon James TO Kun-sun

Members Dr Hon Margaret NG (up to 6 March 2010)
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan
Hon Mrs Regina IP LAU Suk-yee, GBS, JP

(Total : 5 Members)

Clerk Miss Odelia LEUNG

Legal Adviser Mr Timothy TSO

INTERPRETATION AND GENERAL CLAUSES
ORDINANCE

RESOLUTION OF THE LEGISLATIVE COUNCIL

IMMIGRATION (TREATMENT OF DETAINEES)
(AMENDMENT) ORDER 2010

Resolution made and passed by the Legislative Council under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) on [14] April 2010.

RESOLVED that the Immigration (Treatment of Detainees) (Amendment) Order 2010, published in the Gazette as Legal Notice No. 15 of 2010 and laid on the table of the Legislative Council on 24 February 2010, be amended, in section 2, by adding –

“(5) Schedule 1 is amended, in rule 1, by adding –

““arrest/detention sheet” (逮捕/羈留紀錄表)

means the sheet or record maintained in respect of a detainee under rule 4A;”.

(6) Schedule 1 is amended by adding –

“1A. **Notification to relatives, etc.**

Immediately after the detention of a detainee, or so soon after the detention as may be practicable, an officer must –

(a) at the request of the detainee, cause a close relative of the detainee, or any other person named by the detainee for that purpose, to be

notified of the detainee's whereabouts; and

- (b) if the detainee is a public officer, cause the head of the department in which the detainee holds office to be notified of the detention orally and in writing.

1B. Communication with legal advisers, etc.

(1) A detainee must be afforded reasonable opportunity to communicate with a legal adviser and to consult with the legal adviser in the presence, but out of the hearing, of an officer unless the communication or consultation would cause unreasonable hindrance or delay to the investigation of the suspected offence or the administration of justice.

(2) For the purpose of preparing his or her defence a detainee detained under the order of a magistrate must be allowed –

- (a) a supply of writing material and, despite anything to the contrary in rule 8, to have letters to the detainee's legal adviser, relatives and friends posted or

delivered with the least possible delay;

- (b) to speak by telephone to the detainee's legal adviser, relatives and friends, unless the communication is reasonably likely to cause hindrance to the investigation of the suspected offence or the administration of justice.

1C. Duties of officers

(1) An officer is, while a detainee is in the officer's custody, responsible for the safe custody and welfare of the detainee and for discharging any other duties that are imposed on an officer by this Order in relation to the detainee.

(2) Despite anything in this rule, an officer may temporarily place a detainee in the custody of a member of the Immigration Service established by section 3 of the Immigration Service Ordinance (Cap. 331) for the purpose of furthering an investigation, in which case that member must, until returning the detainee to the custody of an officer at the Centre, have the responsibilities and duties of an officer in relation to the detainee.”.

- (7) Schedule 1 is amended by renumbering rule 3 as rule 3(1).
- (8) Schedule 1 is amended, in rule 3, by adding –
- “(2) A detainee must, except for reasons which an officer must cause to be recorded in the arrest/detention sheet, be permitted to retain any head-dress the detainee is by custom or religion required to wear, essential clothing and a hearing-aid.”.
- (9) Schedule 1 is amended by adding –

“4A. **Individual
detention
record to be
kept**

(1) There must be kept in respect of each detainee a record to be known as the arrest/detention sheet, in which must be recorded –

- (a) immediately on the detention of a detainee, the reasons for the detention;
- (b) all movements and interviews of, requests made by, and meals, articles and any facilities provided to, the detainee; and

(c) any other matters that are by this Order required to be so recorded.

(2) In addition to the matters required to be recorded under subrule (1), there may be recorded by an officer on an arrest/detention sheet any other matters that the officer considers desirable.

(3) Except where in this Order it is otherwise provided, an officer is responsible for recording in an arrest/detention sheet all matters required to be so recorded which occur while the detainee is in the officer's custody.”.

(10) Schedule 1 is amended by adding –

**“6A. Sickness or
 injury**

(1) Subject to subrules (2) and (3), if a detainee complains of or appears to be suffering from sickness or injury, the detainee must be provided with adequate medical attention at the Centre.

(2) If a medical officer so advises, or the services of a medical officer cannot be procured at the Centre, the detainee must be escorted elsewhere to receive medical attention.

(3) If the detainee is admitted to a hospital, the detainee must at all times be guarded by an officer until lawfully released on recognizance or otherwise.

6B. Comfort of detainees

(1) Reasonable arrangements must be made for the comfort of detainees.

(2) Whenever practicable both a detainee being questioned or making a statement and the officer asking the questions or recording the statement are to be seated.

(3) A detainee must be permitted to receive from outside any items of clothing that may be necessary, subject to their inspection by an officer.

(4) A detainee who has to spend a night or a substantial part of it at the Centre must be provided with a bed and reasonable bedding.

6C. Food and drink

(1) Reasonable arrangements must be made by an officer for the refreshment of a detainee, including the provision of adequate food, without charge to the detainee.

(2) Without limiting subrule (1), a detainee may be permitted by an officer to obtain other food at the detainee's own expense subject to the food being inspected by an officer.

(3) Drinking water must be supplied to a detainee on request.

(4) Details of all refreshment and food supplied to or received by a detainee must be recorded in the arrest/detention sheet.

**6D. Toilet facilities
and exercise**

Subject to any supervision and other measures that may be necessary to ensure that detainees do not escape or injure themselves, they must be provided with adequate facilities and opportunity to wash, shower, shave, relieve themselves and take a reasonable amount of exercise.”.

(11) Schedule 1 is amended by adding –

**“12A. Female
detainees**

(1) Female detainees must ordinarily be kept separate from male detainees.

(2) A female detainee must be guarded by a female officer and, except in an emergency, no male officer may enter a detention room in which a female detainee is detained otherwise than in the company of a female officer.

**12B. Safety of
detainees in
emergency**

In the event of fire or other emergency at the Centre, the safety of any detainees detained there is paramount and if their safety is threatened, an officer must escort the detainees to the nearest police station or other suitable place.

12C. **Use of handcuffs**

(1) Handcuffs may only be used to restrain a detainee when necessary for the detainee's own safety or the safety of others or to prevent the detainee's escape.

(2) Any use of handcuffs must be recorded on the arrest/detention sheet by the officer causing them to be used.”.

(12) Schedule 1 is amended by adding –

“17. **Notice to detainees**

There must be displayed in a conspicuous position in every room used for the detention of a detainee and in other conspicuous places at the Centre where it can readily be seen by detainees, a notice in the following terms –

“Notice to Persons Detained

1. You may request that your relatives or a friend be informed of your detention.
2. Provided that no unreasonable delay or hindrance is caused to the processes of investigation or the administration of justice you may communicate and consult with a legal adviser.
3. For the purpose of preparing your

defence you will, if you have been detained on the order of a magistrate, be allowed –

- (a) a supply of writing material, and to have your letters posted or delivered without delay;
- (b) to make telephone calls, provided no hindrance is caused to the processes of investigation or the administration of justice.

4. You may ask to be released on recognizance.
5. If you feel ill, ask for medical attention.
6. Adequate food and refreshment will be supplied free. You are entitled to receive from outside any items of clothing that may be necessary. However you may, if you request, be permitted at your own expense to have food from outside brought to you subject to inspection.
7. Drinking water will be supplied on request.

被羈留者請注意

1. 你可要求通知你的親屬或一位朋友你已被羈留。
2. 在不會對進行調查或對執法構成不合理延遲或阻礙的前提下，你可與一名法律顧問通訊和商議。
3. 你如根據裁判官的命令被羈留，為準備你的辯護，你會 —
 - (a) 獲供應書寫用品，而你的書信會在沒有延遲的情況下郵寄或遞送；
 - (b) 在不會對進行調查或對執法構成阻礙的前提下，獲准打電話給他人。
4. 你可要求擔保外出。
5. 你如感到不適，請要求醫療護理。
6. 你會獲得免費供應足夠的食物和茶點。你可接受從外間送來的所需衣物。但如你提出要求，則可獲准自費得到外間送來的食物，但這些食物須經過檢查。
7. 飲用水會應你的要求供應。”。”。

Clerk to the Legislative Council

[14] April 2010