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Panel on Security
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

(Attn: Mr Raymond Lam)

Dear Mr Lam,

Welfare and mechanism for adjustment of wages of persons in custody

Thank you for your letter dated 7 July this year to the Secretary for Security concerning the captioned subject. Our reply is set out below.

Adjustment mechanism for prisoners' earnings rates

According to the Prison Rules (Cap. 234A), a prisoner who works in the correctional institution may receive payment in accordance with rates approved by the Commissioner of Correctional Services (C of CS). Since prisoners' daily necessities such as meals, clothing, hygiene products and medical service etc. are provided by the Government, the main purpose of the payment is to provide an incentive for the prisoners to build up good working habit and acquire vocational skills through gainful work with a view to assisting them reintegrate into the society after discharge.

Currently, prisoners may make purchase twice a month by their own earnings from an approved list containing a total of 70 snack and other canteen items, which include cigarettes that can be purchased by adult prisoners only. The Correctional Services Department (CSD) has an established mechanism for adjusting prisoners' earning rates having regard

to the changes in contract prices of canteen items and the spending pattern of prisoners, so as to maintain the efficacy of motivation for prisoners.

In the light of the concern on the health of prisoners and with a view to encouraging them to develop healthy lifestyle, CSD has been actively promoting tobacco control in penal institutions and encouraging prisoners to quit smoking. One of the relevant measures is the de-linking of cigarette prices from the adjustment mechanism when CSD reviewed and revised the prisoners' earning adjustment mechanism in early 2010. The effect is that prisoners' earning rates will no longer be adjusted upwards or downwards according to changes in cigarette prices, through which the Administration will no longer guarantee the cigarette-purchasing power of prisoners. The new mechanism aligns with the Government's anti-smoking policy and can further encourage prisoners to smoke less or even quit smoking.

When the new mechanism came into effect, details had been announced in all correctional institutions. Since its implementation one and a half years ago, the new mechanism has been operating smoothly in general. We do not see sufficient justifications to revoke the new mechanism which aims at encouraging prisoners to smoke less. Not only does such arrangement go against Government's anti-smoking policy, but is also inconsistent with the notion and principle of the rehabilitation services of CSD to promote healthy lifestyle among people in custody.

Nevertheless, in March this year, CSD adjusted the prisoners' earning rates upward by 7.26% according to the new mechanism. Although the Department does not encourage prisoners to smoke, each adult prisoner is still free to decide whether they would purchase cigarettes with their own earnings. Prisoners are therefore not deprived of their freedom of smoking by the new mechanism.

CSD's tobacco control measures in correctional institutions

In addition to the de-linking of cigarette price from the adjustment mechanism to encourage prisoners to quit smoking, CSD has been actively promoting tobacco control measures in correctional institutions and providing relevant education, which include counselling course on smoke cessation for persons in custody. CSD has made reference to relevant experiences of other countries and consulted the Hong Kong Council on Smoking and Health and Tobacco Control Office in formulating the tobacco

control measures in institutions and devising the content and duration of the counselling course. CSD has also arranged relevant officers to attend a Tobacco Treatment Specialist Certification Training Programme to learn about the latest information and measures on tobacco control with a view to helping smokers in custody to quit smoking in a more appropriate and effective way.

As regards the suggestion put forward by the representing body to include substitutes for cigarettes, such as Cola, in the list of approved canteen items, according to the advice of Department of Health (DH), there is no medial evidence to prove that drinking Cola can help smokers to quit smoking. Nevertheless, CSD will consider adopting other practical and effective auxiliary measures. For example, the Department is actively considering the introduction of items (for example, nicotine patch etc.) in the counselling course to help those smokers in custody who wish to quit smoking to reduce their tobacco dependence.

Welfare of persons in custody

By virtue of Section 24A of the Prisons Ordinance (Cap. 234), CSD shall supply to each person in custody plain and wholesome food. Various types of diet provided to persons in custody are designed by qualified dietitian. The dietary scales and quantity of meals are supported by DH and in compliance with the prevailing international dietary guidelines.

To ensure that the quality of food supplied to persons in custody is up to reasonable standard and their quantity meets the requirements, CSD closely monitors the meal preparation process. Acting on the advice of dietitians, each person in custody is provided with breakfast, lunch, supper and night snack every day. As regards the time of the meal, it varies amongst different institutions. Persons in custody in the same institution are normally arranged to have the meals in groups, depending on the routine of the institution and availability of facilities. Every person in custody will be provided with milk and bread as night snack after dinner for their consumption according to personal need in their respective sleeping accommodations. If a certain person in custody needs additional quantity of meal due to engagement in vigorous activities or outdoor work or other reasons (for example, health reason), CSD will consider providing additional food for him/her on the advice of Medical Officers.

To ensure that persons in custody have neat and tidy appearance and provide a decent and clean custodial environment, CSD provides each individual with essential personal hygiene items, including comb, soap, toothbrush, toothpaste, towels and toilet paper. Such items will be replenished or replaced regularly on health and hygiene considerations. CSD will also provide additional quantities of such items basing on practical needs or reasonable requests. Persons in custody may also use their earnings from work to purchase additional hygiene products offered for sale in canteen purchase twice a month.

In conclusion, CSD is committed to providing a secure, safe, humane, decent and healthy environment for people in its custody. C of CS has all along been acting according to relevant statutory requirements and been taking into account the views of stakeholders in the establishment of prisoners' earning rates and related adjustment mechanism, the canteen items that can be purchased by persons in custody and other welfare matters. At present, Justices of Peace, and representatives of non-governmental organisations and religious organisations etc. will pay regular visits to correctional institutions or inmates in accordance with established mechanism and channel to ensure that the rights of the persons in custody are safeguarded. CSD will investigate or follow up their comments and suggestions, as appropriate to improve the management on facilities and services provided by the correctional institutions.

Yours sincerely,

(Miss Peggy Siu)
for Secretary for Security