

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

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來函檔號 Your Ref.:

19 February 2013

Miss Betty Ma
Clerk to Panel
Legislative Council Panel on Security
Legislative Council Complex
1, Legislative Council Road
Central, Hong Kong

Dear Miss Ma,

**Legislative Council Panel on Security
Guidelines on Application of Necessary Force on Inmates
by Correctional Services Staff**

At the meeting of Panel on Security on 4 January 2013, the Panel discussed the guidelines on application of necessary force on inmates by correctional services staff. We would like to provide supplementary information as requested by Members as follows.

According to records of the Correctional Services Department (CSD), among the cases in which CSD officers used necessary force on inmates in the past five years, the injuries sustained by those inmates were mostly minor in nature (i.e. redness/scratch, abrasion, superficial laceration, bruise or swelling)¹. A breakdown of the cases under the category "other act of violence" as requested by Members is attached at **Annex I**. The number of injured inmates in various categories of cases is set out at **Annex II**.

Each time when necessary force is used on an inmate, the inmate concerned will be sent to the hospital of the penal institution for examination and treatment by medical officers and nursing staff. Details

¹ There is a case involving the death of a Taiwanese inmate in Lai Chi Kok Reception Centre. The Coroner's Court concluded that the inmate died of an unknown cause. Three CSD officers were convicted of inflicting bodily injuries on the prisoner in 2012 and the case is pending appeal.

of his/her injury will be recorded and photographs will be taken accordingly. Where necessary, the management of the penal institution will refer the inmate concerned to a clinical psychologist for counselling or assessments of his/her mental conditions. When non-compliance or illegal behaviour of the inmate is found, the management of the penal institution will institute disciplinary proceedings against the inmate concerned or report the case to the Police, taking into account the nature and seriousness of the incident.

All incidents relating to the use of force on inmates are regarded as unusual or serious cases. For any incident where necessary force has been used, the CSD officers concerned must immediately file a report to the Head of Institution. The institutional management shall then report the incident to the section head of CSD Headquarters.

CSD attaches great importance to staff integrity and adopts a zero tolerance approach towards any officers in breach of legislation. Those who were found to be using inappropriate force on inmates would be strictly handled in accordance with the law.

Yours sincerely

(signed)
(Peggy Siu)
for Secretary for Security

c.c. Commissioner of Correctional Services (Attn: Mr LAM Kwok-leung)

Annex I

The number of cases in which CSD used necessary force on inmates and the reasons for use of force over the past five years

| Year | Reason for Use of Necessary Force (by number of cases) | | | | | | | |
|------|--|---|---------------------|--------------------------|--|--|----------|-------|
| | Staff members and/or other persons being attacked | To stop self-infliction of harm or abnormal behaviour | Fight among inmates | Other act of violence | | | Others * | Total |
| | | | | Attempt to attack others | Attempt/try to evade staff supervision | Vandalism of property of institution or other person | | |
| 2008 | 22 | 16 | 5 | 15 | 11 | 11 | 1 | 81 |
| 2009 | 22 | 10 | 8 | 12 | 19 | 15 | 1 | 87 |
| 2010 | 20 | 15 | 0 | 16 | 16 | 16 | 6 | 89 |
| 2011 | 20 | 13 | 4 | 30 | 31 | 25 | 2 | 125 |
| 2012 | 7 | 22 | 5 | 17 | 26 | 16 | 3 | 96 |

*For example, attempting to obstruct staff members in the course of their actions.

Annex II

The number of injured inmates in cases in which CSD used necessary force over the past five years

| Year | Number of injured inmate # | | | | | | | |
|------|---|---|---------------------|--------------------------|--|--|----------|-------|
| | Reason for Use of Necessary Force | | | | | | | Total |
| | Staff members and/or other persons being attacked | To stop self-infliction of harm or abnormal behaviour | Fight among inmates | Other act of violence | | | Others * | |
| | | | | Attempt to attack others | Attempt/try to evade staff supervision | Vandalism of property of institution or other person | | |
| 2008 | 26 | 15 | 33 | 14 | 9 | 9 | 0 | 106 |
| 2009 | 21 | 10 | 37 | 11 | 18 | 14 | 0 | 111 |
| 2010 | 34 | 15 | 0 | 17 | 15 | 16 | 2 | 99 |
| 2011 | 21 | 10 | 17 | 30 | 31 | 25 | 2 | 136 |
| 2012 | 5 | 20 | 13 | 17 | 24 | 16 | 3 | 98 |

(Remark: As more than one inmate might be involved and injured in a case in which CSD officers used necessary force, the number of injured inmates is higher than the number of cases as set out in Annex I.)

The above figures include injuries of inmates due to the use of necessary force of CSD officers or self-infliction of harm or act of violence among inmates. The injuries sustained by those inmates were mostly minor in nature. They include redness/scratch, abrasion, superficial laceration, bruise or swelling etc).

*For example, attempting to obstruct staff members in the course of their actions.