

**Response to Points Raised by LegCo Members at
Meeting of the LegCo Home Affairs Panel held on 12 July 1999**

Request for Information/Proposals	Administration's Response
Detailed information on the origin, purpose, functions of having NTJPs	<p>The appointment of New Territories Justices of the Peace (NTJPs) is provided for under the Justices of the Peace Ordinance (Cap. 510). Section 3(2) of the Ordinance empowers the Chief Secretary for Administration to appoint a Justice of the Peace whom she considers fit and proper to be a NTJP. Once appointed, a NTJP automatically becomes an Ex Officio Councillor of the Full Council of the Heung Yee Kuk (the Kuk), as provided for in section 3(2)(a)(ii) of the Heung Yee Kuk Ordinance (Cap. 1097).</p> <p>The purpose of having NTJPs is to enable individuals who have proven track records in serving the New Territories (NT) and have contributed to the NT community to serve constructively as a member of the Kuk so as to strengthen the cooperation and understanding within the NT community and to enable them to advise the Government on matters affecting the well-being of the people in the NT.</p>
Response to the views and suggestions of the Hong Kong Human Rights Monitor regarding the JP review.	See attachment at Annex A.

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<p>Figures regarding JPs :</p> <ol style="list-style-type: none"> 1. Sex distribution 2. Number of arbitrary dismissal of JPs as provided for under section 6(1)(d) of the JP Ordinance 	<ol style="list-style-type: none"> 1. As at November 1999, 1066 persons have been appointed JPs (729 Non-official JPs and 337 Official JPs). Of these 1066 persons, 865 are male (599 Non-official JPs and 266 Official JPs) and 201 are female (130 Non-official JPs and 71 Official JPs). 2. The Justices of the Peace Ordinance (Cap. 510) was enacted on 22 May 1997 and its provisions came into operation on 30 May 1997. No JPs has been dismissed under section 6(1)(d) of the Ordinance since its enactment in May 1997. Before the enactment of the Ordinance, JPs were appointed by the Governor under the Letters Patent. In the past ten years, 2 persons were dismissed as Non-official JPs under Article XVI of the Letters Patent on conviction of their offences committed.
<p>Number of substantiated complaints presented to JPs during their visits to prisons</p>	<p>Of the 237 and 257 complaints made by prisoners/inmates to visiting JPs in 1997 and 1998 respectively, none was found to be substantiated.</p>
<p>Number of cases in which visiting JPs initiated active investigation actions in accordance with the power provided to them in Prison Rule 228</p>	<p>During the period from 1 April 1998 to 31 March 1999, there were 90 cases (about 35% of the total number of complaints) in which JPs have initiated active investigation actions instead of referring the complaints to the institutions for follow-up. In these cases, JPs have made personal inquiries into the complaints, such as seeking background information from prison staff concerned and examining relevant records and documents. In all instances, CSD staff has rendered every possible assistance to them.</p> <p>Rule 228 of the Prison Rules (PR) (Cap. 234) empowers JPs to investigate any complaint which they have heard from inmates. PR 231 specifically empowers visiting JPs to inspect any of the books of the prison or hostel.</p>

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	<p>As regards cases referred by JPs to the institutions for follow-up on their behalf, the Correctional Services Department will advise the JPs of the outcome of its investigation in writing. JPs are at liberty to mount any further investigations personally as they deem necessary.</p>
<p>To allow Non-official JPs to have a choice of pairing with either an Official JP or another Non-official JP</p>	<p>Having considered views expressed by Members at the meeting of the LegCo Home Affairs Panel held on 12 July 1999, the Administration is pleased to advise Members that we have no objection to implement the proposal of allowing Non-official JPs to have a choice of pairing with either an Official JP or another Non-official JP. The Administration Wing will work out with the concerned bureaux/department the necessary legislative amendment to implement the proposal.</p>
<p>To allow JPs to conduct "real" surprise visits to prisons</p>	<p>PR 222 requires two JPs to visit each prison at least once every fortnight (one month in the case of hostels). Conducted at any reasonable time during any given fortnight, such JP visits are totally unannounced and contain a heavy surprise element. The only certainty is that (at least) one JP visit will take place every fortnight. This is to ensure a minimum number of visits to a prison, and a reasonable spread of such visits over time.</p> <p>If such a scheduled tour of duty is abolished and JPs are given unfettered discretion in their choice of date, time, place, and frequency of visits (which requires necessary legislative amendments), the Administration will run the clear risk of seeing prolonged neglect of a place and excessive interest in another over a period of time. This will be against the intent of the 'minimum visit' provision.</p>

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	<p>On the other hand, the Commissioner of Correctional Services is prepared to consider positively any request for visits to a prison, in addition to the mandatory JP visits every fortnight, under PR 77(9). JPs are advised to contact Assistant Commissioner (Operations) of the Correctional Services Department at telephone number 2582 5204 beforehand, should they wish to make additional visits outside their given visit schedule.</p> <p>To enhance the surprise elements of visits to prisons, the Administration Wing has issued guidelines together with the confirmation letter sent to Official JPs regarding their tour of duty since September 99 to remind them of the following:</p> <ul style="list-style-type: none"> (a) not to give advance notice to the prisons and institutions to be visited as far as practicable; and (b) while they can continue to use government transport for JP visits, they are free to use private or public transport to visit the prisons and institutions with the Non-official JPs. <p>Relevant departments, including Government Land Transport Agency, Government Flying Service and Marine Department have been requested to keep record of the transport bookings for JP visits confidential.</p>
Information on manpower support to JP Scheme	The administrative support to the JP Scheme is at present provided, on a part-time basis, by 2 Directorate staff at AOSGB and AOSGC level, 1 Senior Executive Officer, 1 Executive Officer I and 1 Senior Clerical Officer; and, on a full-time basis, by 1 Clerical Officer and 1 Assistant Clerical Officer.

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Proposal of asking JPs to assist in spotting litterbugs	The Administration Wing is now considering possible additional duties for JPs and will take into account the proposal of enlisting JPs' help in spotting litterbugs.