

For information

on 4 December 2003

Legislative Council Panel on Security

Provision of Medical Services to Inmates in Penal Institutions

Purpose

This note is provided in response to Members' request for information on the provision of medical services to inmates in penal institutions.

Hospitals and Sick Bays

2. All penal institutions have either hospitals or sick bays to provide general medical and health services for inmates. Each institution's hospital / sick bay has its own ward¹, outpatient clinic (OPC) and dispensary. Dental treatment and X-ray examination facilities are provided at the centre hospitals in Shek Pik Prison, Hei Ling Chau Addiction Treatment Centre, Pik Uk Correctional Institution, Stanley Prison and Lai Chi Kok Reception Centre to serve the needs of inmates from neighbouring institutions on a regional basis.

3. All prison hospitals / sick bays are managed by the Correctional Services Department (CSD). Medical service is provided by Medical and Health Officers (M&HO) of the Department of Health (DH) with nursing support from qualified staff of the CSD. The breakdown of total staff strength is as follows:

<u>Staff</u>		<u>Number</u>
Medical and Health Officer	:	17
Registered Nurses (General)	:	67
Enrolled Nurses (General)	:	94
Staff with In-service Training ²	:	129
Total	:	307

¹ There are a total of 719 hospital bed spaces in 24 penal institutions.

² These staff have completed a 12-week in-service training in CSD Staff Training Institute. They also hold the Home Nursing Certificates and First Aid Certificates issued by the Auxiliary Medical Service.

4. Inmates requiring hospital care are referred to hospitals of the Hospital Authority (HA) for treatment. These inmates would usually be hospitalized in the custodial wards either at Queen Elizabeth Hospital or Queen Mary Hospital for security reasons unless their medical conditions warrant alternative arrangements.

Duty of Medical Officers and On-call Arrangement

5. The main duties of M&HOs are governed by Prison Rules 14, and 143 to 161 (Annex). M&HOs are required to attend to sick prisoners daily including Sundays and Public Holidays and to perform on-call duties on rotation basis after office hours. They are required to respond to medical emergency whenever necessary. Departmental quarters are provided to all M&HOs to facilitate them to perform on-call duties.

Visiting Specialists

6. Medical specialists from the HA and the DH visit penal institutions on a regular basis to provide consultation and treatment for inmates. Such specialist services include Dental, Orthopaedic, Medical, Surgical, Tuberculosis and Chest, Eye, Ear, Nose & Throat, Skin & Social Hygiene, etc. Besides, X-ray examinations are conducted by radiographers from the HA for all newly convicted prisoners and other inmates as recommended by the M&HOs.

Psychiatric Services

7. Inmates with psychiatric problems are referred to the Siu Lam Psychiatric Centre (SLPC) for psychiatric assessment and treatment. The psychiatric services in SLPC are rendered by a group of visiting psychiatrists from the HA with consultations provided on daily basis except Sundays & Public Holidays, assisted by CSD officers with psychiatric nursing qualification.

Service Monitoring

8. The provision of medical services in penal institutions is closely monitored by CSD with advice from DH. The two departments meet regularly to discuss and address operational matters. The deployment of medical and nursing staff is also reviewed from time to time taking into account the workload and needs of individual institutions.

9. In response to the recommendations of a recent Coroner's Court inquest into the death of an inmate of Tai Lam Centre for Women (TLCW), CSD has formed a working group in November 2003 to review the adequacy of medical and nursing services provided to inmates in TLCW. Officers from DH are members of the working group. Taking the opportunity, the working group will also examine the manpower provision in other penal institutions. The working group is expected to complete its review by March 2004.

Security Bureau
December 2003

12. 量度數字及其他詳情的紀錄

(1) 囚犯的姓名、年齡、高度、體重、特徵及其他關乎囚犯而須予記錄的量度數字及詳情，須在囚犯入獄時及其後不時予以記錄。(1981 年第 353 號法律公告)

(2) 囚犯入獄時，如有任何身體或精神上的無能力，須予以記錄。(1981 年第 353 號法律公告)

(3) 囚犯入獄時，如有宗教信仰，須予以記錄；除非監督信納該囚犯為另一宗教的信徒或已停止信奉任何宗教，否則在該囚犯監禁期內，須以其為信奉所記錄的宗教對待。

13. 為囚犯拍照

在收納囚犯時及其後，可為囚犯拍照，但照片不得向他人提供，除非該人已獲正式授權收取該照片，則屬例外。

14. 入獄時進行身體檢驗

每名囚犯須在入獄後盡快由醫生個別檢驗，醫生須記錄囚犯的健康狀況，以及他認為需要記錄的其他詳情：

但如囚犯入獄時間太晚，不能在當日進行檢驗，則須於翌日盡快進行，而無論如何，檢驗均須在入獄後 24 小時內進行。

15. 洗澡

除非監督或醫生另有指示，否則每名囚犯均須在收納時洗澡。

16. 疾病或害蟲

如發現任何囚犯染有傳染病，或發現有害蟲寄生，須隨即向醫生報告，並在醫生的指示下，採取步驟處理此情況，以及防止傳染其他囚犯。

17. 外出許可

(1) 署長可給予——

(a) 符合以下情況的囚犯每次不超過 5 天的外出許可——

(i) 被處監禁不少於 4 年；

12. Record of measurements and other particulars

(1) The name, age, height, weight, particular marks and such other measurements and particulars as may be required in regard to a prisoner shall upon his admission and from time to time be recorded. (L.N. 353 of 1981)

(2) Any physical or mental disability from which a prisoner may be suffering at the time of his admission shall be recorded. (L.N. 353 of 1981)

(3) The religion, if any, of a prisoner shall be recorded at the time of his admission and he shall be treated during his term of imprisonment as being of any religion so recorded unless the Superintendent is satisfied that the prisoner is an adherent of another religion or has ceased to adhere to any religion.

13. Photographing of prisoner

Every prisoner may be photographed on reception and subsequently, but no copy of the photograph shall be given to any person unless he is officially authorized to receive it.

14. Medical examination on admission

Every prisoner shall, as soon as possible after his admission, be separately examined by the Medical Officer, who shall record the state of health of the prisoner, and such other particulars as he may deem necessary:

Provided that when a prisoner is admitted too late to be examined on the same day he shall be examined as soon as possible on the next day, and in any case within 24 hours of admission.

15. Bath

Every prisoner shall take a bath on reception, unless the Superintendent or Medical Officer otherwise directs.

16. Disease or vermin

If any prisoner is found to have any infectious or contagious disease or to be infested with vermin, a report thereof shall be made forthwith to the Medical Officer under whose direction steps shall be taken to treat the condition and to prevent its transmission to other prisoners.

17. Leave of absence

(1) The Commissioner may grant leave of absence——

(a) not exceeding 5 days at any one time to any prisoner who——

(i) has been sentenced to not less than 4 years' imprisonment;

[附屬法例]

(d) 醫務

(i) 醫生

143. 一般職責

醫生須——

- (a) 主管醫療事務，並於監獄內任何囚犯患病時負責治療；
- (b) 向懲教署人員及其家屬提供醫療意見及協助，包括提供藥物；（1982 年第 30 號法律公告）
- (c) 按署長的命令，就該等人員及囚犯的健康及醫療，和監獄及該等人員所佔用的宿舍的衛生條件，備存統計紀錄，並提交中報表及報告。

144. 對囚犯的職責

醫生須——

- (a) 在署長安排的時間或按需要而在其他時間，巡視其主管的每所監獄；
- (b) 每天會見申訴患病的囚犯，並以書面向監督報告該等囚犯是否適合勞動；
- (c) 將其認為需要作出面與並無入院留醫的囚犯的治療有關的一切指示，記在為供監督參閱而備存的簿冊內，供監督參閱；
- (d) 每天巡視監獄醫院內的病人；
- (e) 在獲悉任何懲教署人員或囚犯患上重病時立即為其診治；（1982 年第 30 號法律公告）
- (f) 每天巡視所有正受懲罰、被隔離囚禁或正受特別紀律處分的囚犯；
- (g) 每天為新收的囚犯檢驗身體，並斷定其是否適合勞動；
- (h) 經常檢查洗滌地方、浴室及其他作清潔衛生用途的設備，確保其狀態良好，而所有與此相關的欠妥之處，均須隨即向監督報告；

[Subsidiary]

(d) Medical

(i) Medical Officer

143. General duties

The Medical Officer shall—

- (a) have the medical charge and shall be responsible for the treatment when sick of all the prisoners in a prison;
- (b) give medical advice and assistance, including medicines, to the officers of the Correctional Services Department and their families; (L.N. 30 of 1982)
- (c) keep such statistical records and furnish such returns and reports as may be ordered by the Commissioner relative to the health and medical treatment of such officers and prisoners, the sanitary conditions of a prison and of the quarters occupied by such officers.

144. Duty to prisoners

The Medical Officer shall—

- (a) visit every prison under his charge at times to be arranged by the Commissioner, or at such other times as may be necessary;
- (b) every day see such of the prisoners who complain of illness and report in writing to the Superintendent their fitness or otherwise for labour;
- (c) for the information of the Superintendent, enter in a book kept for that purpose all directions which he may deem necessary to give relative to the treatment of any prisoner not admitted to the hospital;
- (d) make daily visits to the sick in the prison hospital;
- (e) attend at once any officer of the Correctional Services Department or prisoner on the receipt of information that he is seriously ill; (L.N. 30 of 1982)
- (f) make daily visits to all prisoners undergoing punishment, in separate confinement, or under special discipline;
- (g) make daily examinations of the newly admitted prisoners and pass them fit for labour or otherwise;
- (h) frequently examine the washing-places, baths and other provision for purposes of cleanliness and sanitation to ensure the efficient working thereof, and report forthwith all defects in connexion therewith to the Superintendent;

[附屬法例]

- (i) 在即將施加懲罰前檢驗有關囚犯，以肯定該囚犯的心智及身體均適合接受懲罰，並須提出其認為需要的建議，以防該囚犯的健康受損，而監督須將該等建議付諸實行；
- (j) 於監獄內每次施行體罰時在場，確保其為防止囚犯健康受損而作出的指示獲得遵從；
- (k) 於每次執行死刑時在場。

145. 檢查囚犯食物、被鋪等的職責

醫生須——

- (a) 經常檢查已煮熟及未煮熟的囚犯食物；
- (b) 就該等食物的質素向監督報告；
- (c) 就衣物及被鋪是否足夠作出報告；
- (d) 於食水的質或量不足時作出報告；
- (e) 就任何能影響囚犯健康的因由作出報告。

146. 防止流行病的職責

醫生須採取其認為需要或有利的行動及治療方法，以盡量防止或減少監獄內發生流行性或地方性傳染病。

147. 發出書面指示將囚犯隔離的職責

醫生須發出書面指示，將患上或懷疑患上傳染病的囚犯隔離，並將任何受病菌沾染的衣物或被鋪清洗、消毒或銷毀。

148. 就囚犯健康作出特別報告的職責

(1) 醫生——

- (a) 如認為有需要為健康理由而向監督報告囚犯的情況，須以書面向監督報告；

[Subsidiary]

- (i) immediately before punishment is inflicted examine the prisoner and satisfy himself that he is both mentally and physically fit to undergo punishment, and shall make such recommendations for preventing injury to the prisoner's health as he may deem necessary, and the Superintendent shall carry such recommendations into effect;
- (j) attend on every occasion when corporal punishment is inflicted in the prisons, and ensure obedience of his instructions for the prevention of injury to the health of a prisoner;
- (k) attend every execution.

145. Duty to examine prisoners' food, bedding, etc.

The Medical Officer shall—

- (a) examine frequently the cooked and uncooked food of the prisoners;
- (b) report to the Superintendent as to the quality of such food;
- (c) report as to the sufficiency of clothing and bedding;
- (d) report any deficiency in the quality or quantity of water;
- (e) report any cause whatsoever which may affect the health of the prisoners.

146. Duty to prevent epidemic

The Medical Officer shall take such action and employ such treatment as he may consider necessary or expedient for the prevention, as far as possible, or mitigation of any epidemic or endemic contagious or infectious disease in a prison.

147. Duty to give written directions for the segregation of prisoners

The Medical Officer shall give written directions for the segregation of prisoners having infectious complaints, or suspected of having them, and for cleansing, disinfecting or destroying any infected apparel or bedding.

148. Duty to make special reports regarding a prisoner's health

(1) The Medical Officer shall—

- (a) report in writing to the Superintendent any prisoner who, in his opinion, it is necessary so to report for medical reasons;

[附屬法例]

(b) 須就更改該等囚犯的紀律處分或待遇，或就供應額外物品予該等囚犯，提出其覺得需要的建議。

(2) 醫生如認為任何囚犯繼續留在監獄會有生命危險，或認為任何患病囚犯不會存活超過他的刑期，或完全或永遠不適合在監獄服刑，則須以書面向署長提出建議，以便轉交行政長官。(1999 年第 15 號第 3 條)

149. 備存記事冊的職責

醫生須在備存於獄中的記事冊內——

- (a) 就供給囚犯的食物或與囚犯健康相關的任何其他事宜，記下其認為需要的意見或建議；
- (b) 就所有接受治療的患病囚犯每天作一簡短記錄，載明囚犯是否在院留醫、囚犯姓名、中斷的病狀及開列的治療方法。

150. 與囚犯死亡有關的職責

醫生須於囚犯死亡時，隨即將以下詳情記入其記事冊內——

- (a) 死者開始患病的时间；
- (b) 首次向醫生報告患病的时间；
- (c) 疾病性質；
- (d) 死亡時間，連同有關死後形貌的描述(如曾進行驗屍)和其認為需要的其他意見。

151. 檢驗獲釋囚犯的職責

醫生須在囚犯獲釋前一天為其檢驗身體，並就該囚犯是否適合離開監獄和其他有關該囚犯的必需詳情，作出核證。

152. 委任醫院病房雜工的職責

監督可將行為良好的囚犯交由醫生遣派，以照料病人及執行其他與醫院相關的必需工作。

[Subsidiary]

(b) make recommendations which appear to him to be necessary for the alteration of the discipline or treatment of such prisoner, or for the supply of additional articles to him.

(2) The Medical Officer shall make his recommendations in writing to the Commissioner for transmission to the Chief Executive whenever he is of opinion that the life of any prisoner will be endangered by his continuance in prison, or that any sick prisoner will not survive his sentence, or is totally or permanently unfit for prison sentence. (15 of 1999 s. 3)

149. Duty to keep a journal

The Medical Officer shall enter in a journal to be kept in the prison—

- (a) any observation or suggestion he may deem necessary to make regarding the food served to prisoners or with regard to any other matter connected with their health;
- (b) a short daily record of all sick prisoners under treatment containing particulars as to whether they are in hospital or not, their names, the nature of their complaints, and the treatment prescribed.

150. Duty relating to the death of a prisoner

The Medical Officer shall on the death of any prisoner forthwith enter in his journal the following particulars—

- (a) the time the deceased was taken ill;
- (b) the time the illness was first reported to him;
- (c) the nature of the disease;
- (d) the time of death, with an account of the appearances after death (in cases when a post mortem examination has been made) and such further remarks which, in his opinion, are necessary.

151. Duty to examine prisoner on discharge

The Medical Officer shall examine every prisoner on the day prior to his discharge from prison and certify as to his fitness to leave the prison, and to such other particulars regarding him as may be necessary.

152. Power to appoint hospital orderlies

The Superintendent may place at the disposal of the Medical Officer well-behaved prisoners for the purpose of attending on the sick and for the performance of such other work in connexion with a hospital as may be necessary.

153. 報告不當事件的職責

醫生如獲悉監獄醫院內有任何不當事件，或在執行職責時遭遇任何困難或障礙，須向監督報告。

154. 將藥物鎖上的職責

- (1) 醫生須確保所有藥物及興奮劑均穩當地鎖上，使囚犯無法接觸。
- (2) 除非有迫切需要，否則未有醫生指示，不得向任何囚犯施用藥物。

155. (由 1969 年第 65 號法律公告廢除)

156. 將記事冊呈交署長的職責

醫生須每月最少一次將其記事冊呈交署長查閱，並同時就監獄的情況、囚犯及懲教署人員的健康狀況作出報告；如有清潔、排水、溫度及通風欠佳，或被竊、衣物、糧食或食水不足或質劣的情況，須同時作出報告。

(1981 年第 353 號法律公告)

157. 呈交周年報告的職責

醫生須於每年 12 月 31 日後盡快將一份報告交予署長，以便轉交衛生署署長，該報告須載列—— (1981 年第 353 號法律公告；1989 年第 76 號法律公告)

- (a) 在剛結束的一年內囚犯患病的人數；
- (b) 囚犯死亡率；
- (c) 監獄衛生條件狀況的詳情；
- (d) 監獄內最常發生的疾病類別，和發生該等疾病所可歸咎的監獄建築或管理上的欠妥之處；
- (e) 為防止該等疾病再次發生所須採取的預防措施。

153. Duty to report irregularity

The Medical Officer shall report to the Superintendent any irregularity in a prison hospital which may come to his knowledge or any difficulty or obstruction which he may meet with in the performance of his duty.

154. Duty to lock up medicines

(1) The Medical Officer shall ensure that all medicines and stimulants are securely locked up and not accessible to any prisoner.

(2) Medicine shall not be administered to any prisoner without the Medical Officer's instructions except in case of urgent necessity.

155. (Repealed L.N. 65 of 1969)

156. Duty to submit journal to Commissioner

The Medical Officer shall submit his journal for the Commissioner inspection at least once every month and shall report at the same time on the condition of the prison and the state of health of the prisoners and officer recording any want of cleanliness, proper drainage, warmth, ventilation, any insufficiency or bad quality of the bedding, clothing, provisions or water.

(L.N. 353 of 1981)

157. Duty to submit annual report

The Medical Officer shall, as soon as possible after the 31 December each year, deliver to the Commissioner for transmission to the Director of Health a report containing— (L.N. 353 of 1981; L.N. 76 of 1989)

- (a) the number of sick among the prisoners for the year just end
- (b) the rate of mortality among the prisoners;
- (c) particulars as to the state of the sanitary conditions of prisons;
- (d) the type of diseases most prevalent in the prisons, and the defects in the construction or management of the prisons to which such diseases may be attributable;
- (e) the precautions to be taken to prevent the recurrence of such diseases.

158. 就使用拘束衣或將囚犯囚禁於保護室事向署長報告的職責

醫生須就以下事項向署長報告：

- (a) 根據第 67 條使用拘束衣束縛行為粗暴的囚犯；及
- (b) 根據第 68A 條將任何囚犯囚禁於保護室內。

(1983 年第 242 號法律公告)

159. 遵守規則及署長的命令等的職責

醫生須遵守本規則的規定及署長的命令，並支持監督維持紀律及秩序，和協助監督囚犯穩妥羈押。

160. (由 1993 年第 152 號法律公告廢除)

161. 促使監督注意有自殺意向的囚犯的職責

醫生如有理由認為任何囚犯有自殺意向，須促使監督注意該囚犯，以便對其進行特別觀察，而監督則須毫不延誤地立即指示經常性地間歇對該囚犯進行觀察。

(ii) 在醫院執行職責的總懲教主任

(1966 年第 44 號法律公告)

162. 當值時間

總懲教主任如被指派往監獄醫院工作，則須在署長指示的時間當值，未經監督准許，不得擅離職守。

(1961 年 468 號政府公告；1966 年第 44 號法律公告；1981 年第 353 號法律公告)

163. 有關藥物、處方等的職責

(1) 被指派往監獄醫院工作的總懲教主任須主管及保管所有藥物、外科用品、外科儀器及用具，並須負責確保該等物品按照醫生的指示妥為存放。(1961 年 468 號政府公告；1966 年第 44 號法律公告)

158. Duty to report use of strait-jacket or confinement in protected room to Commissioner

The Medical Officer shall report to the Commissioner

- (a) the use of a strait-jacket for the restraint of a violent prisoner under rule 67; and
- (b) the confinement in a protected room of any prisoner under rule 68A.

(L.N. 242 of 1983)

159. Duty to conform to rules and Commissioner's order, etc.

The Medical Officer shall conform to these rules and the Commissioner's orders, and shall support the Superintendent in the maintenance of discipline and order and assist him in the safe custody of the prisoners.

160. (Repealed L.N. 152 of 1993)

161. Duty to draw attention of Superintendent to prisoners with suicidal intentions

The Medical Officer shall draw the attention of the Superintendent to any prisoner who he may have reason to think has suicidal intentions in order that special observation may be kept on such prisoner, and the Superintendent shall, without delay, direct that such prisoner be observed at frequent intervals.

(ii) Chief Officer on Hospital Duties

(L.N. 44 of 1966)

162. Hours of duty

A Chief Officer when appointed to a prison hospital shall be on duty at such hours as the Commissioner may direct and shall not absent himself from his duties without the permission of the Superintendent.

(G.N.A. 68 of 1961; L.N. 44 of 1966; L.N. 353 of 1981)

163. Duty as to drugs, prescriptions, etc.

(1) The Chief Officer appointed to a prison hospital shall have the charge and custody of all the drugs, surgery stock, surgical instruments and appliances, and shall be responsible to ensure that they are kept in good and proper order in accordance with the instructions of the Medical Officer.

(G.N.A. 68 of 1961; L.N. 44 of 1966)