

LEGISLATIVE COUNCIL BRIEF

Prisons Ordinance (Cap. 234) Prisons (Amendment) Order 2011

INTRODUCTION

The Secretary for Security (“S for S”) has made the Prisons (Amendment) Order 2011 (“the Order”) (at **Annex**) under section 4 of the Prisons Ordinance (Cap. 234) (“the Ordinance”). The purposes of the Order are to discontinue Lai Chi Kok Correctional Institution (LCKCI) as a prison and extend the area of Lai Chi Kok Reception Centre (LCKRC) as set out in the Schedule to the Prisons Order (Cap. 234B).

BACKGROUND AND JUSTIFICATIONS

2. LCKCI, which was once an institution for female persons in custody, is currently specified as a “prison” in the Order. All the female persons in custody of LCKCI were transferred to the new Lo Wu Correctional Institution in August 2010. Operationally, LCKCI was closed at the same time.
3. LCKRC is a correctional institution for detaining male adult persons in custody, including persons on remand and persons sentenced to imprisonment, some of whom are awaiting formal admission to a suitable prison. Overcrowding is a long-standing problem in LCKRC. The average occupancy rate of LCKRC in the past three years from 2008 to 2010 was around 130%.
4. To alleviate the overcrowding problem in LCKRC and make good use of the decanted premises of LCKCI, the Correctional Services Department (CSD) started the minor works project at LCKCI in December 2010 to convert it as a new annex facility to LCKRC, which will provide 400 additional penal places. A passageway will connect LCKRC with the new annex facility and they will be operated under the same management.
5. Section 4 of the Ordinance provides that S for S may by order published in the Gazette provide for any place or building or portion of a building to be set apart for the purposes of a prison; and the discontinuance of the use of any prison.

THE AMENDMENT ORDER

6. The Order (at **Annex**) is to delete the item relating to “LCKCI” and revise the address of “LCKRC” in the Schedule to the Prisons Order to the effect that “LCKCI” will be discontinued as a prison and the area of “LCKRC” will extend to include the place and buildings originally used by “LCKCI”. Subject to negative vetting of the Legislative Council (LegCo), the Order is to commence on 20 January 2012.

LEGISLATIVE TIMETABLE

7. The Order will be published in the Gazette on 25 November 2011 and tabled at the LegCo on 30 November 2011.

IMPLICATIONS OF THE PROPOSAL

8. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance. It has no economic, productivity, environmental or sustainability implications. The additional workload and financial implications arising from the implementation of the proposal will be absorbed within the existing resources of CSD.

PUBLICITY

9. A spokesman will be arranged to answer media and public enquiries.

ENQUIRIES

10. Any enquiries on this brief should be addressed to Ms Bella Mui, Principal Assistant Secretary for Security (Telephone: 2810 3435, Facsimile: 2868 9159).

Security Bureau
November 2011

Prisons (Amendment) Order 2011

(Made by the Secretary for Security under section 4 of the Prisons Ordinance (Cap. 234))

1. Commencement

This Order comes into operation on 20 January 2012.

2. Discontinuance of the use of places and buildings as prisons

The places and buildings specified in the Schedule are discontinued from use for the purposes of prisons.

3. Setting apart of Lai Chi Kok Reception Centre as a prison

The Lai Chi Kok Reception Centre (the place and buildings situated at 3/5 Butterfly Valley Road, Lai Chi Kok, Kowloon) is set apart for the purposes of a prison.

4. Prisons Order amended

The Prisons Order (Cap. 234 sub. leg. B) is amended as set out in section 5.

5. Schedule amended

(1) The Schedule—

Repeal the item relating to Lai Chi Kok Correctional Institution.

(2) The Schedule, item relating to Lai Chi Kok Reception Centre—

Repeal

“site and buildings situated at 5”

Substitute

“place and buildings situated at 3/5”.

Schedule

[s. 2]

Places and Buildings Discontinued from Use as Prisons

1. Lai Chi Kok Correctional Institution (the place and buildings situated at 3 Butterfly Valley Road, Lai Chi Kok, Kowloon).
2. Lai Chi Kok Reception Centre (the site and buildings situated at 5 Butterfly Valley Road, Lai Chi Kok, Kowloon).



Secretary for Security

21 - 11 - 2011

Explanatory Note

The effect of this Order is to discontinue the use of the Lai Chi Kok Correctional Institution as a prison and to extend the area of the Lai Chi Kok Reception Centre to be used as a prison.

2. The Schedule to the Prisons Order (Cap. 234 sub. leg. B) is amended accordingly.